

CHAPTER 130. STANDARDS FOR PRODUCTS

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Authority

The provisions of this Chapter 130 issued under section 5 of the Air Pollution Control Act (35 P. S. § 4005), unless otherwise noted.

Source

The provisions of this Chapter 130 adopted October 4, 2002, effective October 5, 2002, 32 Pa.B. 4819 and 4824, unless otherwise noted.

Subchapter A. PORTABLE FUEL CONTAINERS

Sec.
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§ 130.101. Applicability.

Except as provided in § 130.104 (relating to exemptions), this subchapter applies to a person who sells, supplies, offers for sale, or manufactures for sale in this Commonwealth portable fuel containers or spouts or both portable fuel containers and spouts for use in this Commonwealth. This subchapter applies to liquid flammable and combustible fuels having a flash point below 200°F. For additional requirements, see section 7(c) of the Combustible and Flammable Liquids Act (35 P. S. § 1247(c)) and 37 Pa. Code § 11.7 (relating to container construction).

§ 130.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ASTM—The American Society for Testing and Materials.

Consumer—A person who purchases or otherwise acquires a new portable fuel container or spout or both portable fuel container and spout for personal, family, household or institutional use. A person acquiring a portable fuel container or spout or both portable fuel container and spout for resale is not a consumer for that product.

Distributor—A person to whom a portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purpose of resale or distribution in commerce. This term does not include manufacturers, retailers and consumers.

Manufacturer—A person who imports, manufactures, assembles, produces, packages, repackages, or relabels a portable fuel container or spout or both portable fuel container and spout.

Nominal capacity—The volume indicated by the manufacturer that represents the maximum recommended filling level.

Outboard engine—A spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

Permeation—The process by which individual fuel molecules may penetrate the walls and various assembly components of a portable fuel container directly to the outside ambient air.

Portable fuel container—A container or vessel with a nominal capacity of 10 gallons or less intended for reuse that is designed or used primarily for receiving, transporting, storing and dispensing fuel.

Product category—The applicable category that best describes the product with respect to its nominal capacity, material construction, fuel flow rate and permeation rate, as applicable, as determined by the Commonwealth.

Retailer—A person who owns, leases, operates, controls or supervises a retail outlet.

Retail outlet—An establishment at which portable fuel containers or spouts or both portable fuel containers and spouts are sold, supplied or offered for sale.

Spill-proof spout—A spout that complies with the performance standards specified in § 130.103(b) (relating to performance standards for portable fuel containers and spill-proof spouts).

Spill-proof system—A configuration of portable fuel container and firmly attached spout that complies with the performance standards in § 130.103(a).

Spout—A device that can be firmly attached to a portable fuel container for conducting pouring through which the contents of a portable fuel container can be dispensed.

Target fuel tank—A receptacle that receives fuel from a portable fuel container.

§ 130.103. Performance standards for portable fuel containers and spill-proof spouts.

(a) Except as provided in § 130.104 (relating to exemptions), a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth on or after January 1, 2003, a portable fuel container or spout, or a portable fuel

container and spout which, at the time of sale or manufacture, does not meet the following performance standards for spill-proof systems:

- (1) Has an automatic shut-off that stops the fuel flow before the target fuel tank overflows.
 - (2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.
 - (3) Has only one opening for both filling and pouring.
 - (4) Provides a fuel flow rate and fill level of one of the following:
 - (i) At least 1/2 gallon per minute for portable fuel containers with a nominal capacity of:
 - (A) Less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening.
 - (B) Greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening if the spill-proof system clearly displays the phrase “Low Flow Rate” in type of 34 point or greater on each spill-proof system or label affixed thereto, and on an accompanying package.
 - (ii) At least 1 gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening.
 - (iii) At least 2 gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.
 - (5) Does not exceed a permeation rate of 0.4 grams per gallon per day.
 - (6) Is warranted by the manufacturer for at least 1 year against defects in materials and workmanship.
- (b) Except as provided in § 130.104, a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth on or after January 1, 2003, a spout which, at the time of sale or manufacture, does not meet the following performance standards for spill-proof spouts:
- (1) Has an automatic shut-off that stops the fuel flow before the target fuel tank overflows.
 - (2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.
 - (3) Provides a fuel flow rate and fill level of one of the following:
 - (i) At least 1/2 gallon per minute for portable fuel containers with a nominal capacity of one of the following:
 - (A) Less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening.
 - (B) Greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening if the spill-proof spout clearly displays the phrase “Low Flow Rate” in type of 34 point or greater on an accompanying package, or

for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto.

(ii) At least 1 gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening.

(iii) At least 2 gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.

(4) Is warranted by the manufacturer for at least 1 year against defects in materials and workmanship.

(c) The test procedures for determining compliance with the performance standards in this section are set forth in § 130.108 (relating to test procedures). The manufacturer of portable fuel containers or spouts or both portable fuel containers and spouts shall perform the tests for determining compliance as set forth in § 130.108 to show that its product meets the performance standards of this section prior to allowing the product to be offered for sale in this Commonwealth. The manufacturer shall maintain records of these compliance tests for as long as the product is available for sale in this Commonwealth and make those test results available to the Department within 60 days of request.

(d) Notwithstanding subsections (a) and (b), a portable fuel container or spout or both portable fuel container and spout manufactured before January 1, 2003, may be sold, supplied or offered for sale until January 1, 2004, if the date of manufacture or a date code representing the date of manufacture is clearly displayed on the portable fuel container or spout.

Cross References

This section cited in 25 Pa. Code § 130.102 (relating to definitions); 25 Pa. Code § 130.104 (relating to exemptions); 25 Pa. Code § 130.105 (relating to innovative products); 25 Pa. Code § 130.106 (relating to administrative requirements); 25 Pa. Code § 130.107 (relating to variances); and 25 Pa. Code § 130.108 (relating to test procedures).

§ 130.104. Exemptions.

(a) This subchapter does not apply to a portable fuel container or spout or both portable fuel container and spout manufactured in this Commonwealth for shipment, sale and use outside of this Commonwealth.

(b) This subchapter does not apply to a manufacturer or distributor who sells, supplies or offers for sale in this Commonwealth a portable fuel container or spout or both portable fuel container and spout that does not comply with the performance standards specified in § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts), if the manufacturer or distributor can demonstrate the following:

(1) The portable fuel container or spout or both portable fuel container and spout is intended for shipment and use outside of this Commonwealth.

(2) The manufacturer or distributor has taken reasonable prudent precautions to assure that the portable fuel container or spout or both portable fuel container and spout is not distributed in this Commonwealth.

(c) This subchapter does not apply to portable fuel containers with a nominal capacity less than or equal to 1 quart.

(d) This subchapter does not apply to rapid refueling devices, with nominal capacities greater than or equal to 4 gallons, provided the devices are designed for use in officially sanctioned off-highway motorcycle competitions, or either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank.

(e) This subchapter does not apply to portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine.

Cross References

This section cited in 25 Pa. Code § 130.101 (relating to applicability); and 25 Pa. Code § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts).

§ 130.105. Innovative products.

The Department may exempt a portable fuel container or spout or both portable fuel container and spout from one or more of the requirements of § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts) if a manufacturer demonstrates to the satisfaction of the Department that, due to the product's design, delivery system or other factors, the use of the product will result in cumulative VOC emissions below the highest emitting representative spill-proof system or representative spill-proof spout in its product category as determined from applicable testing.

(1) An applicant shall apply in writing to the Commonwealth for an innovative product exemption claimed under this section. The application shall include the supporting documentation that quantifies the emissions from the innovative product, including the actual physical test methods used to generate the data. In addition, the applicant shall provide information necessary to enable the Department to establish enforceable conditions for granting the exemption.

(2) For a portable fuel container or spout or both portable fuel container and spout for which an innovative product exemption has been granted under this section, the applicant shall notify the Department in writing at least 30 days before the applicant changes a product's design, delivery system or other factors that may effect the VOC emissions during recommended usage. The applicant shall also notify the Department within 30 days after the applicant learns of information that would alter the emissions estimates submitted to the Department in support of the exemption application.

(3) If the performance standards specified in § 130.103 are amended for a product category, all innovative product exemptions granted for products in the product category, except as provided in this section, have no force and effect as of the effective date of the amended performance standards.

(4) If the Department believes that a portable fuel container or spout or both portable fuel container and spout for which an exemption has been granted no longer meets the criteria for an innovative product specified in this section, the Department may revoke or modify the exemption.

(5) The Department will advise the applicant in writing of the Department's decision on the application for an innovative product exemption within 90 days of receipt of a complete application.

§ 130.106. Administrative requirements.

(a) Each manufacturer of a portable fuel container or spout or both portable fuel container and spout subject to and complying with § 130.103(a) (relating to performance standards for portable fuel containers and spill-proof spouts) shall clearly display the following on each spill-proof system:

- (1) The phrase "Spill-Proof System."
- (2) A date of manufacture or representative date.
- (3) A representative code identifying the portable fuel container or portable fuel container and spout as subject to and complying with § 130.103(a).

(b) Each manufacturer of a spout subject to and complying with § 130.103(b) shall clearly display the following on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto:

- (1) The phrase "Spill-Proof Spout."
- (2) A date of manufacture or representative date.
- (3) A representative code identifying the spout as subject to and complying with § 130.103(b).

(c) Each manufacturer subject to subsection (a) or (b) shall clearly display a fuel flow rate on each spill-proof system or spill-proof spout, or label affixed thereto, and on an accompanying package.

(d) Each manufacturer of a spout subject to subsection (b) shall clearly display the make, model number and size of only those portable fuel containers the spout is designed to accommodate and can demonstrate compliance with § 130.103(a) on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout, or a label affixed thereto.

(e) Each manufacturer of a portable fuel container or spout or both portable fuel container and spout subject to and complying with § 130.103 that, due to its design or other features cannot be used to refuel one or more on-road motor vehicles, shall clearly display the phrase "Not Intended For Refueling On-Road Motor Vehicles" in type of 34 point or greater.

§ 130.107. Variances.

(a) A person or manufacturer who cannot comply with § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts), due to extraordinary reasons beyond the person's reasonable control, may apply in writing to the Department for a variance. The variance application shall include the following:

(1) The specific grounds upon which the variance is sought.

(2) The proposed dates by which compliance with § 130.103 will be achieved.

(3) A compliance report detailing the methods by which compliance will be achieved.

(b) A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

(c) Upon the application of a person, the Department may review and modify or revoke a variance from § 130.103.

§ 130.108. Test procedures.

(a) Testing to determine compliance with § 130.103(b) (relating to performance standards for portable fuel containers and spill-proof spouts) shall be performed by using the following test procedures:

(1) "Test Method 510, Automatic Shut-Off Test Procedure For Spill-Proof Systems and Spill-Proof Spouts," adopted by CARB on July 6, 2000 (section numbers corrected September 13, 2000), which is incorporated by reference herein.

(2) "Test Method 511, Automatic Closure Test Procedure For Spill-Proof Systems And Spill-Proof Spouts," adopted by CARB on July 6, 2000 (section numbers corrected September 13, 2000), which is incorporated by reference herein.

(3) "Test Method 512, Determination Of Fuel Flow Rate For Spill-Proof Systems and Spill-Proof Spouts," adopted by CARB on July 6, 2000 (section numbers corrected September 13, 2000), which is incorporated by reference herein.

(b) Testing to determine compliance with § 130.103(a) shall be performed by using all test procedures in subsection (a) and "Test Method 513, Determination Of Permeation Rate For Spill-Proof Systems," adopted by CARB on July 6, 2000 (section numbers corrected September 13, 2000), which is incorporated by reference herein.

Cross References

This section cited in 25 Pa. Code § 130.103 (relating to performance standards for portable fuel containers and spill-proof spouts).

Subchapter B. CONSUMER PRODUCTS**GENERAL PROVISIONS**

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GENERAL PROVISIONS**§ 130.201. Applicability.**

Except as provided in §§ 130.331—130.338 (relating to exemptions), this subchapter applies to a person who sells, supplies, offers for sale or manufactures a consumer product on or after the applicable effective date in § 130.211 (relating to table of standards), for use in this Commonwealth.

Authority

The provisions of this § 130.201 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.201 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291957).

§ 130.202. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ACP—Alternative Control Plan—An emissions averaging program approved by the Department under this subchapter.

ACP agreement—The document signed by the Department which includes the conditions and requirements of the ACP, and which allows manufacturers to sell ACP products in this Commonwealth under the requirements of this subchapter.

ACP emissions—The sum of the VOC emissions from every ACP product subject to an ACP agreement, during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC and calculated according to the following equation:

$$\text{ACP Emissions} = (\text{Emissions})_1 + (\text{Emissions})_2 + \dots + (\text{Emissions})_N$$
 where,

$$(i) \quad \text{Emissions} = \frac{(\text{VOC content}) \times (\text{Enforceable sales})}{100}$$

(ii) 1, 2, . . . N = each product in an ACP up to the maximum N.

ACP limit—The maximum allowable ACP emissions during the compliance period specified in an ACP agreement, expressed to the nearest pound of VOC and calculated according to the following equation:

$$\text{ACP limit} = (\text{Limit})_1 + (\text{Limit})_2 + \dots + (\text{Limit})_N$$
 where,

$$(i) \quad \text{Limit} = \frac{(\text{ACP standard}) \times (\text{Enforceable sales})}{100}$$

(ii) 1, 2, . . . N = each product in an ACP up to the maximum N.

ACP product—A consumer product subject to the VOC standards specified in § 130.211 (relating to table of standards), except those products that have been exempted under §§ 130.331—130.338 (relating to exemptions), or exempted as innovative products under §§ 130.351 and 130.352 (relating to innovative products).

ACP reformulation or *ACP reformulated*—The process of reducing the VOC content of an ACP product, within the period that an ACP is in effect, to a level which is less than the current VOC content of the product.

ACP standard—The Pre-ACP VOC content of an ACP product or the applicable VOC standard specified in § 130.211, whichever is less.

ACP VOC standard—The maximum allowable VOC content for an ACP product, determined as follows:

(i) The applicable VOC standard specified in § 130.211 for all ACP products except charcoal lighter material products.

(ii) For charcoal lighter material products only, the VOC standard for the purposes of this subchapter shall be calculated according to the following equation:

$$\text{VOC standard} = \frac{(0.020 \text{ pound CH}_2 \text{ per start} \times 100)}{\text{Certified use rate}}$$

where,

0.020 = the certification emissions level for the Department-approved product, as specified in § 130.214.

ASTM—ASTM International, formerly the American Society for Testing and Materials.

Adhesive—A product that is used to bond one surface to another by attachment.

(i) The term includes caulks, sealants, glues and similar substances used for the purpose of forming a bond.

(ii) The term does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners or other products with an adhesive incorporated onto or in an inert substrate.

Adhesive remover—

(i) A product designed to remove adhesive from either a specific substrate or a variety of substrates.

(ii) The term does not include products that remove adhesives intended exclusively for use on humans or animals.

Aerosol adhesive—

(i) An aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.

- (ii) The term includes the following:
- (A) Special purpose spray adhesive.
 - (B) Mist spray adhesive.
 - (C) Web spray adhesive.

Aerosol coating product—A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant and is packaged in a disposable can designed for hand-held application or for use in specialized equipment for ground traffic marking applications.

Aerosol cooking spray—An aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

Aerosol product—

(i) A pressurized spray system that dispenses product ingredients by means of a propellant contained in the product or the product's container or by means of a mechanically induced force.

(ii) The term does not include pump sprays.

Agricultural use—

(i) The use of a pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of an animal or plant crop.

(ii) The term does not include the sale or use of pesticides in properly labeled packages or containers which are intended for the following uses:

(A) *Home use.* Use in a household or its immediate environment.

(B) *Structural pest control.* A use requiring a license under the applicable State pesticide licensing requirement.

(C) *Industrial use.* Use for or in a manufacturing, mining or chemical process or use in the operation of factories, processing plants and similar sites.

(D) *Institutional use.* Use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums and office complexes.

*Air freshener—*A consumer product, including sprays, wicks, powders and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting or deodorizing the air.

(i) The term does not include the following:

(A) Products that are used on the human body.

(B) Products that function primarily as cleaning products, as indicated on a product label.

(C) Disinfectant products claiming to deodorize by killing germs on surfaces.

(D) Institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution.

(E) Toilet/urinal care products.

(ii) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.

(iii) To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about a product's fragrance and ability to deodorize (resulting from surface application) does not constitute a claim of air freshening.

*All other carbon-containing compounds—*Compounds which contain at least one carbon atom and are not a "Table B" compound or a "LVP-VOC."

*All other forms—*Consumer product forms for which no form-specific VOC standard is specified in §§ 130.211—130.217 (relating to standards). Unless specified otherwise by the applicable VOC standard, the term includes solids, liquids, wicks, powders, crystals and cloth or paper wipes (towelettes).

Antimicrobial hand or body cleaner or soap—

(i) A cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity. The term includes the following:

(A) Antimicrobial hand or body washes/cleaners.

(B) Foodhandler hand washes.

- (C) Healthcare personnel hand washes.
- (D) Preoperative skin preparations.
- (E) Surgical scrubs.
- (ii) The term does not include the following:
 - (A) Prescription drug products.
 - (B) Antiperspirants.
 - (C) Astringent/toner.
 - (D) Deodorant.
 - (E) Facial cleaner or soap.
 - (F) General-use hand or body cleaner or soap.
 - (G) Hand dishwashing detergent, including antimicrobial.
 - (H) Heavy-duty hand cleaner or soap.
 - (I) Medicated astringent/medicated toner.
 - (J) Rubbing alcohol.

Antiperspirant—A product, including aerosols, roll-ons, sticks, pumps, pads, creams and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20% in at least 50% of a target population.

Antistatic product—

- (i) A product that is labeled to eliminate, prevent or inhibit the accumulation of static electricity.
- (ii) The term does not include the following:
 - (A) Electronic cleaner.
 - (B) Floor polish or wax.
 - (C) Floor coating.
 - (D) Aerosol coating product.
 - (E) Architectural coating.

Architectural coating—A coating applied to stationary structures and their appurtenances, to mobile homes, to pavements or to curbs.

Astringent/toner—A product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include the following:

- (i) Hand, face or body cleaner or soap products.
- (ii) Medicated astringent/medicated toner.
- (iii) Cold cream.
- (iv) Lotion.
- (v) Antiperspirant.

Automotive brake cleaner—A cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

Automotive hard paste wax—An automotive wax or polish which is:

- (i) Designed to protect and improve the appearance of automotive paint surfaces.
- (ii) A solid at room temperature.
- (iii) 0% water by formulation.

Automotive instant detailer—A product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

Automotive rubbing or polishing compound—A product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

Automotive wax, polish, sealant or glaze—A product designed to seal out moisture, increase gloss or otherwise enhance a motor vehicle's painted surfaces.

- (i) The term includes products designed for:
 - (A) Use in autobody repair shops and drive-through car washes.
 - (B) Use by the general public.
- (ii) The term does not include the following:
 - (A) Automotive rubbing or polishing compounds.
 - (B) Automotive wash and wax products.
 - (C) Surfactant-containing car wash products.
 - (D) Products designed for use on unpainted surfaces such as bare metal, chrome, glass or plastic.

Automotive windshield washer fluid—

- (i) A liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing or wetting the windshield.
- (ii) The term does not include fluids placed by the manufacturer in a new vehicle.

Bathroom and tile cleaner—

- (i) A product designed to clean tile or surfaces in bathrooms.
- (ii) The term does not include products designed primarily to clean toilet bowls, toilet tanks or urinals.

Bug and tar remover—A product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

- (i) Biological-type residues such as insect carcasses and tree sap.
- (ii) Road grime such as road tar, roadway paint markings and asphalt.

Carburetor or fuel-injection air intake cleaners—

- (i) A product designed to remove fuel deposits, dirt or other contaminants from a carburetor, choke, throttle body of a fuel-injection system or associated linkages.
- (ii) The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

Carpet and upholstery cleaner—A cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting and the interior of motor vehicles or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics.

- (i) The term includes products that make fabric protectant claims.
- (ii) The term does not include the following:
 - (A) General purpose cleaner.
 - (B) Spot remover.
 - (C) Vinyl or leather cleaner.
 - (D) Dry cleaning fluids.
 - (E) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

Certified emissions—The emissions level for products approved by the Department under § 130.214 (relating to requirements for charcoal lighter material products), as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 27, 1991), including subsequent amendments, expressed to the nearest 0.001 pound CH₂ per start.

Certified use rate—The usage level for products approved by the Department under § 130.214, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 27, 1991), including subsequent amendments, expressed to the nearest 0.001 pound certified product used per start.

Charcoal lighter material—

- (i) A combustible material designed to be applied on, incorporated in, added to or used with charcoal to enhance ignition.
- (ii) The term does not include the following:
 - (A) Electrical starters and probes.
 - (B) Metallic cylinders using paper tinder.
 - (C) Natural gas.
 - (D) Propane.
 - (E) Fat wood.

Colorant—A pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

Compliance period—The period of time, not to exceed 1 year, for which the ACP limit and ACP emissions are calculated and for which compliance with the ACP limit is determined, as specified in the ACP agreement.

Construction, panel and floor covering adhesive—

- (i) A one-component adhesive that is designed exclusively for the installation, remodeling, maintenance or repair of:
 - (A) Structural and building components that include the following:
 - (I) Beams.
 - (II) Trusses.

- (III) Studs.
- (IV) Paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, predecorated hardboard or tileboard, and the like).
- (V) Ceiling and acoustical tile.
- (VI) Molding, fixtures, countertops or countertop laminates, cove or wall bases and flooring or subflooring.
- (B) Floor or wall coverings that include, but are not limited to, the following:
 - (I) Wood or simulated wood covering.
 - (II) Carpet, carpet pad or cushion, vinyl-backed carpet.
 - (III) Flexible flooring material.
 - (IV) Nonresilient flooring material.
 - (V) Mirror tiles and other types of tiles.
 - (VI) Artificial grass.
- (ii) The term does not include the following:
 - (A) Floor seam sealer.
 - (B) Units of product that weigh more than 1 pound and consist of more than 16 fluid ounces, less packaging.

Consumer—A person who purchases or acquires a consumer product for personal, family, household or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.

Consumer product—

- (i) A chemically formulated product used by household and institutional consumers including the following:
 - (A) Detergents.
 - (B) Cleaning compounds.
 - (C) Polishes.
 - (D) Floor finishes.
 - (E) Cosmetics.
 - (F) Personal care products.
 - (G) Home, lawn and garden products.
 - (H) Disinfectants.
 - (I) Sanitizers.
 - (J) Aerosol paints.
 - (K) Automotive specialty products.
 - (L) Aerosol adhesives, including aerosol adhesives used for consumer, industrial or commercial uses.
- (ii) The term does not include other paint products, furniture coatings or architectural coatings.

Contact adhesive—

- (i) An adhesive that:
 - (A) Is designed for application to both surfaces to be bonded together.

(B) Is allowed to dry before the two surfaces are placed in contact with each other.

(C) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other.

(D) Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(ii) The term does not include the following:

(A) Rubber cements that are primarily intended for use on paper substrates.

(B) Vulcanizing fluids that are designed and labeled for tire repair only.

(C) Units of product, less packaging, that consist of more than 1 gallon.

Contact adhesive—general purpose—A contact adhesive that is not a “contact adhesive—special purpose.”

Contact adhesive—special purpose—A contact adhesive that is used for either of the following:

(i) To bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to a porous or nonporous surface, and is sold in units of product, less packaging, that contain more than 8 fluid ounces.

(ii) In automotive applications that are either of the following:

(A) Automotive under-the-hood applications requiring heat, oil or gasoline resistance.

(B) Attachment of body-side molding, automotive weatherstrip or decorative trim.

Container/packaging—

(i) The parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended.

(ii) The term includes an article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

Contact person—A representative that has been designated by the responsible ACP party for the purpose of reporting or maintaining information specified in the ACP agreement.

Crawling bug insecticide—

(i) An insecticide product that is designed for use against ants, cockroaches or other household crawling arthropods, including mites, silverfish or spiders.

(ii) The term does not include products designed to be used exclusively on humans or animals, or house dust mite product. For the purposes of this definition only:

(A) *House dust mite*. Mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata and the family Pyroglyphidae.

(B) *House dust mite product*. A product whose label, packaging or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches or other household crawling arthropods.

Date-code—The day, month and year on which the consumer product was manufactured, filled or packaged, or a code indicating such a date.

Deodorant—For products manufactured as follows:

(i) Before January 1, 2009, a product, including aerosols, roll-ons, sticks, pumps, pads, creams and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration.

(ii) On or after January 1, 2009, a product, including aerosols, roll-ons, sticks, pumps, pads, creams and squeeze-bottles, that indicates or depicts on the container or packaging, or on a sticker or label affixed to the container or packaging, that the product can be used on or applied to the human axilla to provide a scent or minimize odor. The term includes a deodorant body spray product that indicates or depicts on the container or packaging, or on a sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla.

Deodorant body spray—For products manufactured as follows:

(i) Before January 1, 2009, a personal fragrance product with 20% or less fragrance by weight.

(ii) On or after January 1, 2009, a personal fragrance product with 20% or less fragrance by weight, that is designed for application all over the human body to provide a scent. The term includes a deodorant product that indicates or depicts on the container or packaging, or on a sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla.

Device—

(i) An instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling or mitigating a pest or other form

of plant or animal life (other than humans and other than bacteria, viruses or other microorganisms on or in living humans or living animals).

(ii) The term does not include equipment used for the application of pesticides when sold separately.

Disinfectant—

(i) A product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

(ii) The term does not include the following:

(A) Products designed solely for use on humans or animals.

(B) Products designed for agricultural use.

(C) Products designed solely for use in swimming pools, therapeutic tubs or hot tubs.

(D) Products which, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners or metal polishes.

Distributor—A person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include manufacturers, retailers and consumers.

Double-phase aerosol air freshener—An aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

Dry cleaning fluid—

(i) A nonaqueous liquid product designed and labeled exclusively for use on:

(A) Fabrics which are labeled “for dry clean only,” such as clothing or drapery.

(B) “S-coded” fabrics.

(ii) The term includes those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer’s residence or work place.

(iii) The term does not include spot remover or carpet and upholstery cleaner.

(iv) For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

Dusting aid—

(i) A product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating.

(ii) The term does not include pressurized gas duster.

Electrical cleaner—

- (i) A product labeled to remove heavy soils like grease, grime or oil from electrical equipment, including electric motors, armatures, relays, electric panels and generators.
- (ii) The term does not include the following:
 - (A) General purpose cleaner.
 - (B) General purpose degreaser.
 - (C) Dusting aid.
 - (D) Electronic cleaner.
 - (E) Energized electrical cleaner.
 - (F) Pressurized gas duster.
 - (G) Engine degreaser.
 - (H) Antistatic product.
 - (I) Products designed to clean the casings or housings of electrical equipment.

Electronic cleaner—

- (i) A product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment, including circuit boards and the internal components of electronic devices, including the following:
 - (A) Radios.
 - (B) Compact disc (CD) players.
 - (C) Digital video disc (DVD) players.
 - (D) Computers.
- (ii) The term does not include the following:
 - (A) General purpose cleaner.
 - (B) General purpose degreaser.
 - (C) Dusting aid.
 - (D) Pressurized gas duster.
 - (E) Engine degreaser.
 - (F) Electrical cleaner.
 - (G) Energized electrical cleaner.
 - (H) Antistatic product.
 - (I) Products designed to clean the casings or housings of electronic equipment.

Energized electrical cleaner—

- (i) A product that meets both of the following:
 - (A) The product is labeled to clean or degrease electrical equipment, where cleaning or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor.

(B) The product label clearly states that the product is for energized equipment use only and is not to be used for motorized vehicle maintenance or maintenance of motorized vehicle parts.

(ii) The term does not include electronic cleaner.

Enforceable sales—The total amount of an ACP product sold for use in this Commonwealth during the applicable compliance period specified in the ACP agreement, as determined through enforceable sales records (expressed to the nearest pound, excluding product container and packaging).

Enforceable sales record—A written, point-of-sale record or other Department-approved system of documentation from which the mass, in pounds (less product container and packaging), of an ACP product sold to the end user in this Commonwealth during the applicable compliance period can be accurately documented. For the purposes of this subchapter, the term includes the following types of records:

(i) Accurate records of direct retail or other outlet sales to the end user during the applicable compliance period.

(ii) Accurate compilations, made by independent market surveying services, of direct retail or other outlet sales to the end users for the applicable compliance period, provided that a detailed method which can be used to verify data comprising the summaries is submitted by the responsible ACP party and approved by the Department.

(iii) Other accurate product sales records approved by the Department as meeting the criteria specified in this definition.

Engine degreaser—A cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

Existing product—A formulation of the same product category and form sold, supplied, manufactured or offered for sale in this Commonwealth prior to January 1, 2005, or a subsequently introduced identical formulation.

Fabric protectant—

(i) A product designed to be applied to fabric substrates to protect the surface from soiling by dirt and other impurities or to reduce absorption of liquid into the fabric's fibers.

(ii) The term does not include the following:

(A) Waterproofers.

(B) Products designed for use solely on leather.

(C) Products designed for use solely on fabrics which are labeled "dry clean only" and sold in containers of 10 fluid ounces or less.

Fabric refresher—

(i) A product labeled to neutralize or eliminate odors on nonlaundered fabric, including the following fabrics:

(A) Soft household surfaces.

(B) Rugs.

- (C) Carpeting.
- (D) Draperies.
- (E) Bedding.
- (F) Automotive interiors.
- (G) Footwear.
- (H) Athletic equipment.
- (I) Clothing.
- (J) Household furniture or objects upholstered or covered with fabrics including wool, cotton or nylon.

(ii) The term does not include the following:

- (A) Antistatic product.
- (B) Carpet and upholstery cleaner.
- (C) Soft household surface sanitizer.
- (D) Footwear or leather care product.
- (E) Spot remover.
- (F) Disinfectant.
- (G) Products labeled for application to both fabric and human skin.

(iii) For the purposes of this definition, “soft household surface sanitizer” means a product labeled to neutralize or eliminate odors on surfaces listed in subparagraph (i) and the label for which is registered as a sanitizer under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Facial cleaner or soap—A cleaner or soap designed primarily to clean the face.

(i) The term includes the following:

- (A) Facial cleansing cream.
- (B) Semisolid.
- (C) Liquid.
- (D) Lotion.
- (E) Substrate-impregnated forms.

(ii) The term does not include the following:

- (A) Prescription drug products.
- (B) Antimicrobial hand or body cleaner or soap.
- (C) Astringent/toner.
- (D) General-use hand or body cleaner or soap.
- (E) Medicated astringent/medicated toner.
- (F) Rubbing alcohol.

Fat wood—Pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. The term does not include kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Flea and tick insecticide—

(i) An insecticide product that is designed for use against fleas, ticks, their larvae or their eggs.

(ii) The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

Flexible flooring material—Asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

Floor and wall covering adhesive remover—A product designed or labeled to remove floor or wall covering and associated adhesive from the underlying substrate.

Floor coating—An opaque coating that is designed and labeled for application to flooring, including the following:

- (i) Decks.
- (ii) Porches.
- (iii) Steps.
- (iv) Other horizontal surfaces which may be subject to foot traffic.

Floor polish or wax—

(i) A wax, polish or other product designed to polish, protect or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished.

(ii) The term does not include the following:

- (A) Spray buff products.
- (B) Products designed solely for the purpose of cleaning floors.
- (C) Floor finish strippers.
- (D) Products designed for unfinished wood floors.
- (E) Coatings subject to architectural coatings regulations in this chapter.

Floor seam sealer—A product designed and labeled exclusively for bonding, fusing or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

Floor wax stripper—

(i) A product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax.

(ii) The term does not include the following:

- (A) Aerosol floor wax stripper.
- (B) Products designed to remove floor wax solely through abrasion.

Flying bug insecticide—An insecticide product that is designed for use against flying insects or other flying arthropods, including mosquitoes, moths or gnats.

(i) The term does not include the following:

- (A) Wasp and hornet insecticide.
- (B) Products that are designed to be used exclusively on humans or animals.
- (C) A moth-proofing product.

(ii) For the purposes of this definition, “moth-proofing product” means a product whose label, packaging or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

Footwear or leather care product—

(i) A product designed or labeled to be applied to footwear or to other leather articles or components, to maintain, enhance, clean, protect or modify the appearance, durability, fit or flexibility of the footwear or leather article or component. Footwear includes both leather and nonleather foot apparel.

(ii) The term does not include the following:

- (A) Fabric protectant.
- (B) General purpose adhesive.
- (C) Contact adhesive.
- (D) Vinyl/fabric/leather/polycarbonate coating.
- (E) Rubber and vinyl protectant.
- (F) Fabric refresher.
- (G) Products used solely for deodorizing.
- (H) Sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

*Fragrance—*A substance or complex mixture of aroma chemicals, natural essential oils and other functional components with a combined vapor pressure not in excess of 2 mm of Mercury at 20° C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

*Furniture coating—*A paint designed for application to room furnishings, including cabinets (kitchen, bath and vanity), tables, chairs, beds and sofas.

Furniture maintenance product—

(i) A wax, polish, conditioner or other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors.

(ii) The term does not include the following:

- (A) Dusting aids.
- (B) Wood cleaner.
- (C) Products designed solely for the purpose of cleaning.
- (D) Products designed to leave a permanent finish, including stains, sanding sealers and lacquers.

Gasket adhesive or thread locking adhesive remover—

(i) A product designed or labeled to remove gasket or thread locking adhesives.

(ii) The term includes products labeled for dual use as a paint stripper and gasket adhesive remover or thread locking adhesive remover.

Gel—A colloid in which the dispersed phase has combined with the continuous phase to produce a semisolid material, such as jelly.

General purpose adhesive—

- (i) A nonaerosol adhesive designed for use on a variety of substrates.
- (ii) The term does not include the following:
 - (A) Contact adhesive.
 - (B) Construction, panel and floor covering adhesive.
 - (C) Adhesives designed exclusively for application on one specific category of substrates (that is, substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers or vinyls).
 - (D) Adhesives designed exclusively for use on one specific category of articles (that is, articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping or carpets).
 - (E) Units of product that weigh more than 1 pound and consist of more than 16 fluid ounces, less packaging.

General purpose adhesive remover—A product designed or labeled to remove cyanoacrylate adhesives as well as nonreactive adhesives or residue from a variety of substrates.

- (i) The term includes products that remove the following:
 - (A) Thermoplastic adhesives.
 - (B) Pressure sensitive adhesives.
 - (C) Dextrine or starchbased adhesives.
 - (D) Casein glues.
 - (E) Rubber or latex-based adhesives.
 - (F) Stickers, decals, stencils or similar materials.
- (ii) The term does not include floor and wall covering adhesive remover.

General purpose cleaner—A product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations.

- (i) The term includes products designed for general floor cleaning or kitchen or countertop cleaning and cleaners designed to be used on a variety of hard surfaces.
- (ii) The term does not include general purpose degreaser and electronic cleaner.

General purpose degreaser—A product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.

- (i) The term does not include the following:
 - (A) Engine degreaser.
 - (B) General purpose cleaner.

- (C) Adhesive remover.
- (D) Electrical cleaner.
- (E) Electronic cleaner.
- (F) Energized electrical cleaner.
- (G) Metal polish/cleanser.
- (H) Products used exclusively in solvent cleaning tanks or related equipment.
- (I) Products that are labeled “not for retail sale” and are sold exclusively to establishments that manufacture or construct goods or commodities.

(ii) For the purposes of this definition, the term “solvent cleaning tanks or related equipment” includes the following:

- (A) Cold cleaners.
- (B) Vapor degreasers.
- (C) ConveyORIZED degreasers.
- (D) Film cleaning machines.
- (E) Products designed to clean miscellaneous metallic parts by immersion in a container.

General-use hand or body cleaner or soap—A cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils.

- (i) The term includes the following:
 - (A) Hand or body washes.
 - (B) Dual-purpose shampoo-body cleaners.
 - (C) Shower or bath gels.
 - (D) Moisturizing cleaners or soaps.
- (ii) The term does not include the following:
 - (A) Prescription drug products.
 - (B) Antimicrobial hand or body cleaner or soap.
 - (C) Astringent/toner.
 - (D) Facial cleaner or soap.
 - (E) Hand dishwashing detergent, including antimicrobial.
 - (F) Heavy-duty hand cleaner or soap.
 - (G) Medicated astringent/medicated toner.
 - (H) Rubbing alcohol.

Glass cleaner—

- (i) A cleaning product designed primarily for cleaning surfaces made of glass.
- (ii) The term does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

Graffiti remover—A product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish or shoe polish from a variety of noncloth or non-fabric substrates.

- (i) The term does not include the following:
 - (A) Paint remover or stripper.
 - (B) Nail polish remover.
 - (C) Spot remover.

- (ii) Products labeled for dual use as both a paint stripper and graffiti remover are considered “graffiti removers.”

Gross Pennsylvania sales—The estimated total sales in this Commonwealth of an ACP product during a specific compliance period (expressed to the nearest pound), based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the Department will provide an accurate Pennsylvania sales estimate:

- (i) Apportionment of National or regional sales of the ACP product to Pennsylvania sales, determined by multiplying the average National or regional sales of the product by the fraction of the National or regional population, respectively, that is represented by this Commonwealth’s current population.

- (ii) Another documented method which provides an accurate estimate of the total current Pennsylvania sales of the ACP product.

HVOC—High volatility organic compound—A volatile organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

Hair mousse—A hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair shine—A product designed for the primary purpose of creating a shine when applied to the hair.

- (i) The term includes dual-use products designed primarily to impart a sheen to the hair.
- (ii) The term does not include the following:
 - (A) Hair spray.
 - (B) Hair mousse.
 - (C) Hair styling product.
 - (D) Hair styling gel.
 - (E) Products whose primary purpose is to condition or hold the hair.

Hair spray—

- (i) For products manufactured before January 1, 2009, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

(ii) For products manufactured on or after January 1, 2009, a consumer product that is applied to styled hair, and is designed or labeled to provide sufficient rigidity, to hold, retain or finish the style of the hair for a period of time.

(iii) The term includes the following:

- (A) Aerosol hair sprays.
- (B) Pump hair sprays.
- (C) Spray waxes.
- (D) Color, glitter or sparkle hair sprays that make finishing claims.
- (E) Products that are both a styling and finishing product.

(iv) The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

(v) For the purposes of this subchapter, the terms:

- (A) “Finish” and “finishing” mean the maintaining or holding of previously styled hair for a period of time.
- (B) “Style” and “styling” mean the forming, sculpting or manipulating of the hair to temporarily alter the hair’s shape.

Hair styling gel—A consumer product manufactured before January 1, 2009, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

Hair styling product—A consumer product manufactured on or after January 1, 2009, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling or sculpting of the hair.

(i) The term includes the following:

- (A) Hair balm.
- (B) Clay.
- (C) Cream.
- (D) Creme.
- (E) Curl straightener.
- (F) Gel.
- (G) Liquid.
- (H) Lotion.
- (I) Paste.
- (J) Pomade.
- (K) Putty.
- (L) Root lifter.
- (M) Serum.
- (N) Spray gel.
- (O) Stick.
- (P) Temporary hair straightener.
- (Q) Wax.

(R) Spray products that aid in styling but do not provide finishing of a hairstyle.

(S) Leave-in volumizers, detanglers or conditioners that make styling claims.

(ii) The term does not include the following:

(A) Hair mousse.

(B) Hair shine.

(C) Hair spray.

(D) Shampoos or conditioners that are rinsed from the hair prior to styling.

(iii) For the purposes of this subchapter, the terms:

(A) “Finish” and “finishing” mean the maintaining or holding of previously styled hair for a period of time.

(B) “Style” and “styling” mean the forming, sculpting or manipulating of the hair to temporarily alter the hair’s shape.

Heavy-duty hand cleaner or soap—

(i) A product designed to clean or remove difficult dirt and soils, including oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt or adhesives from the hand with or without the use of water.

(ii) The term does not include the following:

(A) Prescription drug products.

(B) Antimicrobial hand or body cleaner or soap.

(C) Astringent/toner.

(D) Facial cleaner or soap.

(E) General-use hand or body cleaner or soap.

(F) Medicated astringent/medicated toner.

(G) Rubbing alcohol.

Herbicide—A pesticide product designed to kill or retard a plant’s growth, but excludes products that are:

(i) For agricultural use.

(ii) Restricted materials that require a permit for use and possession.

High pressure laminate—Sheet materials which consist of paper, fabric or other core material that have been laminated at temperatures exceeding 265° F, and at pressures between 1,000 and 1,400 psi.

Highest sales—The maximum 1-year gross Pennsylvania sales of the ACP product in the previous 5 years, if the responsible ACP party has failed to meet the requirements for reporting enforceable sales records (for a portion of the compliance period), as specified in the ACP agreement, or the current actual 1-year enforceable sales for the product, if the responsible ACP party has provided all required enforceable sales records (for the entire compliance period), as specified in the ACP agreement.

Highest VOC content—The maximum VOC content which the ACP product has contained in the previous 5 years, if the responsible ACP party has failed to meet the requirements for reporting VOC content data (for a portion of the compliance period), as specified in the ACP agreement, or the current actual VOC content, if the responsible ACP party has provided all required VOC content data (for the entire compliance period), as specified in the ACP agreement, expressed as a percentage by weight.

Household product—A consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

Insecticide—A pesticide product that is designed for use against insects or other arthropods, but excluding products that are:

- (i) For agricultural use.
- (ii) For a use which requires a structural pest control license under applicable laws or regulations of the Commonwealth.
- (iii) Restricted materials that require a permit for use and possession.

Insecticide fogger—An insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

Institutional product or industrial and institutional (I&I) product—

(i) A consumer product that is designed for use in the maintenance or operation of an establishment that:

- (A) Manufactures, transports or sells goods or commodities, or provides services for profit.
- (B) Is engaged in the nonprofit promotion of a particular public, educational or charitable cause.

(ii) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(iii) For the purposes of this definition, the term “establishment” includes the following:

- (A) Government agencies.
- (B) Factories.
- (C) Schools.
- (D) Hospitals.
- (E) Sanitariums.
- (F) Prisons.
- (G) Restaurants.
- (H) Hotels.
- (I) Stores.
- (J) Automobile service and parts centers.
- (K) Health clubs.
- (L) Theaters.
- (M) Transportation companies.

LVP content or lower vapor pressure content—The total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed as a percentage to the nearest 0.1.

LVP-VOC or lower vapor pressure VOC—

(i) A chemical compound or mixture that contains at least one carbon atom and meets one of the following:

(A) Has a vapor pressure less than 0.1 mm Hg at 20° C, as determined by CARB Method 310.

(B) Is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.

(C) Is a chemical compound with a boiling point greater than 216° C, as determined by CARB Method 310.

(D) Is the weight percent of a chemical mixture that boils above 216° C, as determined by CARB Method 310.

(ii) For the purposes of this definition, “chemical compound” means a molecule of definite chemical formula and isomeric structure, and “chemical mixture” means a substance comprised of two or more chemical compounds.

Label—Written, printed or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on or appearing upon a consumer product or consumer product package, for purposes of branding, identifying or giving information with respect to the product or to the contents of the package.

Laundry prewash—A product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

Laundry starch product—

(i) A product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and which may also act to help ease ironing of the fabric.

(ii) The term includes fabric finish, sizing and starch.

Lawn and garden insecticide—An insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of § 130.372 (relating to most restrictive limit), aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

Liquid—

(i) A substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1, including subsequent amendments.

(ii) The term does not include powders or other materials that are composed entirely of solid particles.

Lubricant—

(i) A product designed to reduce friction, heat, noise or wear between moving parts, or to loosen rusted or immovable parts or mechanisms.

(ii) The term does not include the following:

(A) Automotive power steering fluids.

(B) Products for use inside power generating motors, engines and turbines, and their associated power-transfer gearboxes.

(C) Two cycle oils or other products designed to be added to fuels.

(D) Products for use on the human body or animals.

(E) Products that are sold exclusively to establishments which manufacture or construct goods or commodities, and are labeled “not for retail sale.”

MVOC—Medium volatility organic compound—A VOC that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

Manufacturer—A person who imports, manufactures, assembles, produces, packages, repackages or relabels a consumer product.

Medicated astringent/medicated toner—A product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores.

(i) The term includes the following:

(A) Clarifiers.

(B) Substrate-impregnated products.

(ii) The term does not include the following:

(A) Hand, face or body cleaner or soap products.

(B) Astringent/toner.

(C) Cold cream.

(D) Lotion.

(E) Antiperspirants.

(F) Products that must be purchased with a doctor’s prescription.

Metal polish/cleanser—A product designed primarily to improve the appearance of finished metal, metallic or metallized surfaces by physical or chemical action by removing or reducing stains, impurities or oxidation from surfaces or by making surfaces smooth and shiny.

(i) The term includes metal polishes used on:

(A) Brass.

(B) Silver.

(C) Chrome.

(D) Copper.

(E) Stainless steel.

(F) Ornamental metals.

- (ii) The term does not include the following:
 - (A) Automotive wax, polish, sealant or glaze.
 - (B) Wheel cleaner.
 - (C) Paint remover or stripper.
 - (D) Products designed and labeled exclusively for automotive and marine detailing.
 - (E) Products designed for use in degreasing tanks.

Missing data days—The number of days in a compliance period for which the responsible ACP party has failed to provide the required enforceable sales or VOC content data to the Department, as specified in the ACP agreement.

Mist spray adhesive—An aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

Multipurpose dry lubricant—A lubricant which is:

- (i) Designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly) or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces.
- (ii) Designed for general purpose lubrication or for use in a wide variety of applications.

Multipurpose lubricant—

- (i) A lubricant designed for general purpose lubrication or for use in a wide variety of applications.
- (ii) The term does not include the following:
 - (A) Multipurpose dry lubricant.
 - (B) Penetrant.
 - (C) Silicone-based multipurpose lubricant.

Multipurpose solvent—An organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials.

- (i) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories.
- (ii) The term does not include the following:
 - (A) Solvents used in:
 - (I) Cold cleaners.
 - (II) Vapor degreasers.
 - (III) Conveyorized degreasers.
 - (IV) Film cleaning machines.
 - (B) Solvents that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Nail polish—A clear or colored coating designed for application to the fingernails or toenails and including lacquers, enamels, acrylics, base coats and top coats.

Nail polish remover—A product designed to remove nail polish and coatings from fingernails or toenails.

Nonaerosol product—A consumer product that is not dispensed by a pressurized spray system.

Noncarbon containing compound—A compound that does not contain carbon atoms.

Nonresilient flooring—Flooring of a mineral content that is not flexible, including the following:

- (i) Terrazzo.
- (ii) Marble.
- (iii) Slate.
- (iv) Granite.
- (v) Brick.
- (vi) Stone.
- (vii) Ceramic tile.
- (viii) Concrete.

Nonselective terrestrial herbicide—A terrestrial herbicide product that is toxic to plants without regard to species.

One-product business—A responsible ACP party which sells, supplies, offers for sale or manufactures for use in this Commonwealth:

- (i) Only one distinct ACP product, sold under one product brand name, which is subject to the requirements of §§ 130.211—130.216.
- (ii) Only one distinct ACP product line subject to the requirements of §§ 130.211—130.216, in which all the ACP products belong to the same product category and the VOC contents in the products are within 98% and 102.0% of the arithmetic mean of the VOC contents over the entire product line.

Oven cleaner—A cleaning product designed to clean and to remove dried food deposits from oven walls.

Paint—A pigmented liquid or liquefiable or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

Paint remover or stripper—

- (i) A product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate.
- (ii) The term does not include the following:
 - (A) Multipurpose solvent.

- (B) Paint brush cleaners.
- (C) Products designed and labeled exclusively as graffiti removers.
- (D) Hand cleaner products that claim to remove paints and other related coatings from skin.

Penetrant—A lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

Pennsylvania sales—The sales (net pounds of product, less packaging and container, per year) in this Commonwealth for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, a consecutive 12-month period commencing no earlier than 2 years prior to the due date of the registration. If direct sales data for this Commonwealth are not available, sales may be estimated by prorating National or regional sales data by population.

Personal fragrance product—A product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor.

- (i) The term includes the following:
 - (A) Cologne.
 - (B) Perfume.
 - (C) Aftershave.
 - (D) Toilet water.
- (ii) The term does not include the following:
 - (A) Deodorant.
 - (B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
 - (C) Mouthwashes, breath fresheners or deodorizers.
 - (D) Lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations.
 - (E) Products designed exclusively for use on human genitalia.
 - (F) Soaps, shampoos and products primarily used to clean the human body.
 - (G) Fragrance products designed to be used exclusively on animals.

Pesticide—

- (i) A substance or mixture of substances labeled designed or intended for use in preventing, destroying, repelling or mitigating a pest, or a substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.
- (ii) The term does not include a substance, mixture of substances or device which the EPA does not consider to be a pesticide.

Plasticizer—A material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability or distensibility, and may be determined by using ASTM E260-91, including subsequent amendments, or from product formulation data.

Pre-ACP VOC content—The lowest VOC content of an ACP product between January 1, 1990, and the date on which the application for a proposed ACP is submitted to the Department based on either the data on the product obtained from the March 12, 1991, CARB Consumer Products Survey or other accurate records available to the Department, whichever yields the lowest VOC content for the product, expressed as a percentage.

Pressurized gas duster—

(i) A pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces like photographs, photographic film negatives, computer keyboards and other types of surfaces that cannot be cleaned with solvents.

(ii) The term does not include dusting aids.

Principal display panel or panels—The parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all of the principal display panels.

Product brand name—The name of the product exactly as it appears on the principal display panel of the product.

Product category—The applicable category that best describes the product as listed in this section and in § 130.211.

Product form—For the purposes of complying with § 130.391 (relating to required reporting of information to the Department), the applicable form which most accurately describes the product's dispensing form, as follows:

- (i) A = Aerosol product.
- (ii) S = Solid.
- (iii) P = Pump spray.
- (iv) L = Liquid.
- (v) SS = Semisolid.
- (vi) O = Other.

Product line—A group of products of identical form and function belonging to the same product category.

Propellant—A liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from the same self-pressurized container or from a separate container.

Pump spray—A packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

Reconcile or reconciliation—Providing sufficient VOC emission reductions to completely offset shortfalls generated under the ACP during an applicable compliance period.

Reconciliation of shortfalls plan—The plan to be implemented by the responsible ACP party when shortfalls have occurred, as approved by the Department under § 130.458 (relating to reconciliation of shortfalls).

Responsible party—The company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was manufactured for or distributed by, as noted on the label.

Responsible ACP party—The company, firm or establishment which is listed on the ACP product's label. If the label lists two or more companies, firms or establishments, the responsible ACP party is the party which the ACP product was manufactured for or distributed by, as noted on the label.

Restricted materials—Pesticides established as restricted materials under applicable laws or regulations of the Commonwealth.

Retailer—A person who sells, supplies or offers consumer products for sale directly to consumers.

Retail outlet—An establishment at which consumer products are sold, supplied or offered for sale directly to consumers.

Roll-on product—An antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

Rubber and vinyl protectant—

(i) A product designed to protect, preserve or renew vinyl, rubber and plastic on vehicles, tires, luggage, furniture and household products such as vinyl covers, clothing and accessories.

(ii) The term does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

Rubbing alcohol—A product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

Sealant and caulking compound—A product with adhesive properties that is designed to fill, seal, waterproof or weatherproof gaps or joints between two surfaces.

- (i) The term does not include the following:
- (A) Roof cements and roof sealants.
 - (B) Insulating foams.
 - (C) Removable caulking compounds.
 - (D) Clear/paintable/water resistant caulking compounds.
 - (E) Floor seam sealer.

- (F) Products designed exclusively for automotive uses.
- (G) Sealers that are applied as continuous coatings.
- (H) Units of product, less packaging, which weigh more than 1 pound and consist of more than 16 fluid ounces.

(ii) For the purposes of this definition only:

(A) “Removable caulking compounds” means a compound which temporarily seals windows or doors for 3 to 6 month time intervals.

(B) “Clear/paintable/water resistant caulking compounds” means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

Semisolid—A product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes and greases.

Shaving cream—

(i) An aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair.

(ii) The term does not include shaving gel.

Shaving gel—

(i) An aerosol product which dispenses a postfoaming semisolid designed to be used with a blade, cartridge razor or other shaving system in the removal of facial or other bodily hair.

(ii) The term does not include shaving cream.

Shortfall—

(i) The ACP emissions minus the ACP limit when the ACP emissions were greater than the ACP limit during a specified compliance period, expressed to the nearest pound of VOC.

(ii) The term does not include emissions occurring prior to the date that the ACP agreement is signed by the Department.

Silicone-based multipurpose lubricant—

(i) A lubricant which is:

(A) Designed and labeled to provide lubricity primarily through the use of silicone compounds, including polydimethylsiloxane.

(B) Designed and labeled for general purpose lubrication, or for use in a wide variety of applications.

(ii) The term does not include products designed and labeled exclusively to release manufactured products from molds.

Single-phase aerosol air freshener—An aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

Solid—A substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1, including subsequent amendments.

Special purpose spray adhesive—An aerosol adhesive that meets one or more of the following definitions:

(i) *Mounting adhesive*. An aerosol adhesive designed to permanently mount photographs, artwork and other drawn or printed media to a backing (paper, board, cloth, and the like) without causing discoloration to the artwork.

(ii) *Flexible vinyl adhesive*. An aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least 5%, by weight, of plasticizer content.

(iii) *Polystyrene foam adhesive*. An aerosol adhesive designed to bond polystyrene foam to substrates.

(iv) *Automobile headliner adhesive*. An aerosol adhesive designed to bond together layers in motor vehicle headliners.

(v) *Polyolefin adhesive*. An aerosol adhesive designed to bond polyolefins to substrates.

(vi) *Laminate repair/edgebanding adhesive*. An aerosol adhesive designed for:

(A) The touch-up or repair of items laminated with high pressure laminates (for example-lifted edges, delaminates, and the like).

(B) The touch-up, repair or attachment of edge banding materials, including other laminates, synthetic marble, veneers, wood molding and decorative metals.

(vii) *Automotive engine compartment adhesive*. An aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200—275° F.

Specialty adhesive remover—A product designed to remove reactive adhesives from a variety of substrates.

(i) Reactive adhesives include adhesives that require a hardener or catalyst for the bond to occur. Reactive adhesives include the following:

(A) Epoxies.

(B) Urethanes.

(C) Silicones.

(ii) The term does not include gasket adhesive remover or thread locking adhesive remover.

Spot remover—

(i) A product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery and clothing, that does not require subsequent laundering to achieve stain removal.

(ii) The term does not include the following:

(A) Dry cleaning fluid.

(B) Laundry prewash.

(C) Multipurpose solvent.

Spray buff product—A product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

Stick product—An antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

Structural waterproof adhesive—An adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181D (Type 1, Grade A).

Surplus reduction—The ACP limit minus the ACP emissions when the ACP limit was greater than the ACP emissions during a given compliance period, expressed to the nearest pound of VOC. Except as provided in § 130.457 (relating to limited-use surplus reduction credits for early reformulations of ACP products), the term does not include emissions occurring prior to the date that the ACP agreement is signed by the Department.

Surplus trading—The buying, selling or transfer of surplus reductions between responsible ACP parties.

TMHE—Total maximum historical emissions—The total VOC emissions from all ACP products for which the responsible ACP party has failed to submit the required VOC content or enforceable sales records. The TMHE shall be calculated for each ACP product during each portion of a compliance period for which the responsible ACP has failed to provide the required VOC content or enforceable sales records. The TMHE shall be expressed to the nearest pound and calculated according to the following calculation:

$$TMHE = (MHE)_1 + (MHE)_2 + \dots + (MHE)_N$$

where,

$$(i) \quad MHE = \frac{(Highest \text{ VOC content} \times Highest \text{ sales})}{100 \times 365} \times Missing \text{ data days}$$

(ii) 1, 2, . . . , N = each product in an ACP, up to the maximum N, for which the responsible ACP party has failed to submit the required enforceable sales or VOC content data as specified in the ACP agreement.

Table B compound—A carbon-containing compound listed as an exception to the definition of VOC in section 94508 of the CCR.

Terrestrial—To live on or grow from land.

Tire sealant and inflation—A pressurized product that is designed to temporarily inflate and seal a leaking tire.

Toilet/urinal care product—A product designed to clean or to deodorize toilet bowls, toilet tanks or urinals.

- (i) The term does not include the following:
- (A) Bathroom and tile cleaner.
 - (B) General purpose cleaner.

(ii) For the purposes of this definition, the term “toilet bowls, toilet tanks or urinals” includes toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations and toilets or urinals in vehicles like buses, recreational motor homes, boats, ships and aircraft.

Type A propellant—A compressed gas such as CO₂, N₂, N₂O or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product’s packaging.

Type B propellant—A halocarbon which is used as a propellant, including the following:

- (i) Chlorofluorocarbons (CFCs).
- (ii) Hydrochlorofluorocarbons (HCFCs).
- (iii) Hydrofluorocarbons (HFCs).

Type C propellant—A propellant which is not a Type A or Type B propellant, including the following:

- (i) Propane.
- (ii) Isobutane.
- (iii) N-butane.
- (iv) Dimethyl ether (also known as dimethyl oxide).

Undercoating—

(i) An aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior or firewall of motor vehicles to prevent the formation of rust or to deaden sound.

(ii) The term includes rubberized, mastic or asphaltic products.

Usage directions—The text or graphics on the product’s principal display panel, label or accompanying literature that describes to the end user how and in what quantity the product is to be used.

Vinyl/fabric/leather/polycarbonate coating—A coating designed and labeled exclusively to coat vinyl, fabric, leather or polycarbonate substrates.

VOC—Volatile organic compound—An organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

VOC content—

(i) Except for charcoal lighter material products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under § 130.431 (relating to testing for compliance).

(ii) For charcoal lighter material products only,

$$\text{VOC content (percent)} = \frac{(\text{Certified emissions} \times 100)}{\text{Certified use rate}}$$

Wasp and hornet insecticide—An insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.

Waterproofer—

- (i) A product designed and labeled exclusively to repel water from fabric or leather substrates.
- (ii) The term does not include fabric protectant.

Wax—A material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high molecular weight polymers (plastics). The term includes the following:

- (i) Substances derived from the secretions of plants and animals such as carnuba wax and beeswax.
- (ii) Substances of a mineral origin such as ozocerite and paraffin.
- (iii) Synthetic polymers such as polyethylene.

Web spray adhesive—An aerosol adhesive which is not a mist spray or special purpose spray adhesive.

Wood cleaner—

- (i) A product labeled to clean wooden materials including the following:
 - (A) Decking.
 - (B) Fences.
 - (C) Flooring.
 - (D) Logs.
 - (E) Cabinetry.
 - (F) Furniture.
- (ii) The term does not include the following:
 - (A) Dusting aid.
 - (B) General purpose cleaner.
 - (C) Furniture maintenance product.
 - (D) Floor wax stripper.
 - (E) Floor polish or wax.
 - (F) Products designed and labeled exclusively to preserve or color wood.

Wood floor wax—Wax-based products for use solely on wood floors.

Working day—A day from Monday through Friday, inclusive, except for days that are Federal or State holidays.

Authority

The provisions of this § 130.202 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.202 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291957) to (291982).

Cross References

This section cited in 25 Pa. Code § 130.214 (relating to requirements for charcoal lighter material); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); 25 Pa. Code § 130.335 (relating to air fresheners); 25 Pa. Code § 130.338 (relating to fragrances); 25 Pa. Code § 130.371 (relating to code-dating); 25 Pa. Code § 130.372 (relating to most restrictive limit); and 25 Pa. Code § 130.457 (relating to limited-use surplus reduction credits for early reformulations of ACP products).

STANDARDS**§ 130.211. Table of standards.**

Except as provided in §§ 130.331—130.338, 130.351, 130.352, 130.411—130.414 and 130.451—130.464, a person may not sell, supply, offer for sale or manufacture for sale in this Commonwealth a consumer product manufactured on or after the applicable effective date in the following table of standards which contains VOCs in excess of the limits specified in the following table of standards:

Table of Standards
(percent VOC by weight)

<i>Product Category</i>	<i>Effective Date</i> 1/1/2005	<i>Effective Date</i> 1/1/2009
Adhesive		
Aerosol:		
Mist Spray	65	
Web Spray	55	
Special Purpose Spray Adhesive:		
Mounting, Automotive Engine Compartment and Flexible Vinyl	70	
Polystyrene Foam and Automotive Headliner	65	
Polyolefin and Laminate Repair/Edgebanding	60	
Construction, Panel and Floor Covering	15	
Contact	80	NA
Contact Adhesive—General Purpose		55
Contact Adhesive—Special Purpose		80
General Purpose	10	
Structural Waterproof	15	
Adhesive Remover		
Floor and Wall Covering		5
Gasket or Thread Locking		50

<i>Product Category</i>	<i>Effective Date</i> 1/1/2005	<i>Effective Date</i> 1/1/2009
General Purpose		20
Specialty		70
Aerosol Cooking Spray	18	
Air Freshener		
Single-Phase Aerosol	30	
Double-Phase Aerosol	25	
Liquid/Pump Spray	18	
Solid/Semisolid	3	
Antiperspirant		
Aerosol	40 HVOC	
	10 MVOC	
Nonaerosol	0 HVOC	
	0 MVOC	
Antistatic Product		
Nonaerosol		11
Automotive Brake Cleaner	45	
Automotive Rubbing or Polishing Compound	17	
Automotive Wax, Polish, Sealant or Glaze		
Hard Paste Wax	45	
Instant Detailer	3	
All Other Forms	15	
Automotive Windshield Washer Fluids	35	
Bathroom and Tile Cleaner		
Aerosol	7	
All Other Forms	5	
Bug and Tar Remover	40	
Carburetor or Fuel-Injection Air Intake Cleaner	45	
Carpet and Upholstery Cleaner		
Aerosol	7	
Nonaerosol (Dilutables)	0.1	
Nonaerosol (Ready-to-Use)	3.0	
Charcoal Lighter Material	See § 130.214	
Deodorant		
Aerosol	0 HVOC	
	10 MVOC	
Nonaerosol	0 HVOC	
	0 MVOC	

<i>Product Category</i>	<i>Effective Date</i> 1/1/2005	<i>Effective Date</i> 1/1/2009
Dusting Aid		
Aerosol	25	
All Other Forms	7	
Electrical Cleaner		45
Electronic Cleaner		75
Engine Degreaser		
Aerosol	35	
Nonaerosol	4	
Fabric Protectant	60	
Fabric Refresher		
Aerosol		15
Nonaerosol		6
Floor Polish or Wax		
Products for Flexible Flooring Material	7	
Products for Nonresilient Flooring	10	
Wood Floor Wax	90	
Floor Wax Stripper		
Nonaerosol	See § 130.216	
Footwear or Leather Care Product		
Aerosol		75
All Other Forms		15
Solid		55
Furniture Maintenance Product		
Aerosol	17	
All Other Forms Except Solid or Paste	7	
General Purpose Cleaner		
Aerosol	10	
Nonaerosol	4	
General Purpose Degreaser		
Aerosol	50	
Nonaerosol	4	
Glass Cleaner		
Aerosol	12	
Nonaerosol	4	
Graffiti Remover		
Aerosol		50
Nonaerosol		30
Hair Mousse	6	

<i>Product Category</i>	<i>Effective Date 1/1/2005</i>	<i>Effective Date 1/1/2009</i>
Hair Shine	55	
Hair Spray	55	
Hair Styling Gel	6	
Hair Styling Product		
Aerosol and Pump Spray		6
All Other Forms		2
Heavy-Duty Hand Cleaner or Soap	8	
Insecticide		
Crawling Bug		
Aerosol	15	
All Other Forms	20	
Flea and Tick	25	
Flying Bug		
Aerosol	25	
All Other Forms	35	
Fogger	45	
Lawn and Garden		
All Other Forms	20	
Nonaerosol	3	
Wasp and Hornet	40	
Laundry Prewash		
Aerosol/Solid	22	
All Other Forms	5	
Laundry Starch Product	5	
Metal Polish/Cleanser	30	
Multipurpose Lubricant (Excluding Solid or Semisolid Products)	50	
Nail Polish Remover	75	
Nonselective Terrestrial Herbicide		
Nonaerosol	3	
Oven Cleaner		
Aerosol/Pump Spray	8	
Liquid	5	
Paint Remover or Stripper	50	
Penetrant	50	
Rubber and Vinyl Protectant		
Aerosol	10	
Nonaerosol	3	

<i>Product Category</i>	<i>Effective Date</i>	<i>Effective Date</i>
	<i>1/1/2005</i>	<i>1/1/2009</i>
Sealant and Caulking Compound	4	
Shaving Cream	5	
Shaving Gel		7
Silicone-Based Multipurpose Lubricant (Excluding Solid or Semisolid Products)	60	
Spot Remover		
Aerosol	25	
Nonaerosol	8	
Tire Sealant and Inflation	20	
Toilet/Urinal Care		
Aerosol		10
Nonaerosol		3
Undercoating		
Aerosol	40	
Wood Cleaner		
Aerosol		17
Nonaerosol		4

Notes: NA = Not applicable on or after January 1, 2009.

Authority

The provisions of this § 130.211 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.211 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291982) to (291985).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.212 (relating to products diluted prior to use); 25 Pa. Code § 130.213 (relating to products registered under FIFRA); 25 Pa. Code § 130.214 (relating to requirements for charcoal lighter materials); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); 25 Pa. Code § 130.217 (relating to sell-through of products); 25 Pa. Code § 130.331 (relating to products for shipment and use outside this Commonwealth); 25 Pa. Code § 130.332 (relating to antiperspirants and deodorants); 25 Pa. Code § 130.333 (relating to LVP-VOC); 25 Pa. Code § 130.334 (relating to products registered under FIFRA); 25 Pa. Code § 130.335 (relating to air fresheners); 25 Pa. Code § 130.336 (relating to adhesives); 25 Pa. Code § 130.337 (relating to bait station insecticides); 25 Pa. Code § 130.351 (relating to innovative products exemption); 25 Pa. Code § 130.352 (relating to request for exemp-

tion); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.372 (relating to most restrictive limit); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive, adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); 25 Pa. Code § 130.414 (relating to modification of variance); 25 Pa. Code § 130.451 (relating to alternative methods of compliance); 25 Pa. Code § 130.452 (relating to exemption); 25 Pa. Code § 130.456 (relating to surplus reductions and surplus trading); 25 Pa. Code § 130.457 (relating to limited-use surplus reduction credits for early reformulations of ACP products); 25 Pa. Code § 130.462 (relating to modification of an ACP by the Department); and 25 Pa. Code § 130.463 (relating to cancellation of an ACP).

§ 130.212. Products diluted prior to use.

(a) For consumer products for which the label, packaging or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in § 130.211 (relating to table of standards) apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection, minimum recommended dilution does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(b) For consumer products for which the label, packaging or accompanying literature states that the product should be diluted with a VOC solvent prior to use, the limits specified in § 130.211 apply to the product only after the maximum recommended dilution has taken place.

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

§ 130.213. Products registered under FIFRA.

For those consumer products that are registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y), the applicable effective date of the VOC standards specified in the Table of Standards is 1 year after the date specified in § 130.211 (relating to table of standards).

Authority

The provisions of this § 130.213 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.213 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291986).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

§ 130.214. Requirements for charcoal lighter material products.

The following requirements apply to charcoal lighter material products as defined in § 130.202 (relating to definitions).

(1) *Regulatory standards.* A person may not sell, supply or offer for sale after January 1, 2005, a charcoal lighter material product unless at the time of the transaction:

(i) The manufacturer can demonstrate that the manufacturer has been issued a currently effective certification by the CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the CCR. This certification remains in effect for as long as the CARB certification remains in effect. A manufacturer claiming a certification on this basis shall submit to the Department a copy of the certification decision (that is, the Executive Order), including all conditions established by CARB applicable to the certification.

(ii) The manufacturer or distributor of the charcoal lighter material product has been issued a currently effective certification under paragraph (2).

(iii) The charcoal lighter material product meets the formulation criteria and other conditions specified in the applicable ACP agreement issued under paragraph (2).

(iv) The product usage directions for the charcoal lighter material product are the same as those provided to the Commonwealth under paragraph (2)(iii).

(2) *Certification requirements.*

(i) A charcoal lighter material product formulation will not be certified under this paragraph unless the applicant for certification demonstrates to the Department's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material product are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (South Coast Air Quality Management District Rule 1174 Testing Protocol), including subsequent amendments. The provisions relating to LVP-VOC in § 130.333 (relating to LVP-VOC) do not apply to a charcoal lighter material product subject to the requirements of this section and § 130.211 (relating to table of standards).

(ii) The Department may approve alternative test procedures which are shown to provide equivalent results to those obtained using the South Coast Air Quality Management District Rule 1174 Test Protocol.

(iii) A manufacturer or distributor of charcoal lighter material products may apply to the Department for certification of a charcoal lighter material product formulation.

(3) *Notice of modifications.* For a charcoal lighter material product for which certification has been granted, the applicant for certification shall notify the Department in writing within 30 days of:

(i) A change in the usage directions.

(ii) A change in product formulation, test results or other information submitted under paragraph (2) which may result in VOC emissions greater than 0.020 pound of VOC per start.

(4) *Revocation of certification.* If the Department determines that a certified charcoal lighter material product formulation results in VOC emissions from the ignition of charcoal which are greater than 0.020 pound of VOC per start, as determined by the South Coast Air Quality Management District Rule 1174 Testing Protocol and the statistical analysis procedures contained therein, the Department will revoke or modify the certification as is necessary to assure that the charcoal lighter material product will result in VOC emissions of less than or equal to 0.020 pound of VOC per start.

Authority

The provisions of this § 130.214 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.214 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291986) to (291988).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

§ 130.215. Requirements for aerosol adhesives.

(a) The standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial and commercial uses. Except as otherwise provided in §§ 130.331—130.338, 130.351 and 130.352 and 130.411—130.414, a person may not sell, supply, offer for sale, use or manufacture for sale in this Commonwealth an aerosol adhesive which, at the time of sale, use or manufacture, contains VOCs in excess of the specified standard.

(b) For a special purpose spray adhesive:

(1) To qualify as a special purpose spray adhesive, the product must meet the definition of the term “special purpose spray adhesive” in § 130.202 (relating to definitions), but if the product label indicates that the product is suitable for use on a substrate or application not listed in the definition of the term

“special purpose spray adhesive,” the product will be classified as either a “web spray adhesive” or a “mist spray adhesive.”

(2) If a product meets more than one of the definitions specified in § 130.202 for special purpose spray adhesive, and is not classified as a web spray adhesive or mist spray adhesive, the VOC limit for the product shall be the lowest applicable VOC limit specified in § 130.211 (relating to table of standards).

(c) Aerosol adhesives must comply with the labeling requirements specified in § 130.373 (relating to additional labeling requirements for aerosol adhesives).

Authority

The provisions of this § 130.215 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.215 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291988).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.217 (relating to sell-through of products); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

§ 130.216. Requirements for floor wax strippers.

A person may not sell, supply, offer for sale or manufacture for use in this Commonwealth a floor wax stripper unless the following requirements are met:

(1) The label of each nonaerosol floor wax stripper shall specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3% by weight or less.

(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper shall specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12% by weight or less.

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

§ 130.217. Sell-through of products.

(a) *Sell-through period.* Notwithstanding the provisions of § 130.211 or § 130.215 (relating to table of standards; and requirements for aerosol adhesives), a consumer product manufactured prior to the applicable effective date in § 130.211 may be sold, supplied or offered for sale after the applicable effective date.

(b) This section does not apply to a consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with § 130.371 (relating to product dating requirements).

Authority

The provisions of this § 130.217 adopted under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.217 adopted October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598.

Cross References

This section cited in 25 Pa. Code § 130.371 (relating to product dating); 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.412 (relating to variance of orders); and 25 Pa. Code § 130.414 (relating to modification of variance).

EXEMPTIONS

§ 130.331. Products for shipment and use outside this Commonwealth.

(a) This subchapter does not apply to a consumer product manufactured in this Commonwealth for shipment and use outside of this Commonwealth.

(b) This subchapter does not apply to a consumer product that does not comply with the VOC standards specified in § 130.211 (relating to table of standards), as long as the manufacturer or distributor of the noncomplying consumer product can demonstrate both that the noncomplying consumer product is intended for shipment and use outside of this Commonwealth, and that the manufacturer or distributor has taken reasonably prudent precautions to assure that the noncomplying consumer product is not distributed in this Commonwealth.

Authority

The provisions of this § 130.331 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.331 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291989).

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.332. Antiperspirants and deodorants.

(a) The MVOC content standards in § 130.211 (relating to table of standards) for antiperspirants and deodorants do not apply to ethanol.

(b) The VOC limits specified in § 130.211 do not apply to colorants up to a combined level of 2% by weight contained in an antiperspirant or deodorant.

(c) The requirements of § 130.211 for antiperspirants and deodorants do not apply to those VOCs that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of 2 mm Hg or less at 20° C.

Authority

The provisions of this § 130.332 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.332 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291989).

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.333. LVP-VOC.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to an LVP-VOC.

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.214 (relating to requirements for charcoal lighter materials); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.334. Products registered under FIFRA.

(a) The requirements of § 130.371 (relating to product dating) do not apply to consumer products registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

(b) The VOC limits specified in § 130.211 (relating to table of standards) do not apply to insecticides containing at least 98% paradichlorobenzene.

Authority

The provisions of this § 130.334 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.334 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291990).

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.335. Air fresheners.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs or exempted under § 130.333 (relating to LVP-VOC).

Authority

The provisions of this § 130.335 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.335 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291990).

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.336. Adhesives.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to adhesives sold in containers of 1 fluid ounce or less.

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.337. Bait station insecticides.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5% active ingredients.

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliances).

§ 130.338. Fragrances.

The VOC limits specified in § 130.211 (relating to table of standards) do not apply to fragrances up to a combined level of 2% by weight contained in a consumer product.

Authority

The provisions of this § 130.338 adopted under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.338 adopted October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598.

Cross References

This section cited in 25 Pa. Code § 130.201 (relating to applicability); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliance).

INNOVATIVE PRODUCTS**§ 130.351. Innovative products exemption.**

A manufacturer of consumer products that has been granted an innovative products exemption by the CARB under the innovative products provisions in Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the CCR shall be exempt from § 130.211 (relating to table of standards) for the period of time that the CARB innovative products exemption remains in effect provided that all consumer products within the CARB innovative products exemption are contained in § 130.211. A manufacturer claiming such an exemption on this basis shall submit to the Department a copy of the CARB innovative products exemption decision (that is, the Executive Order), including all conditions established by CARB applicable to the exemption.

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliance).

§ 130.352. Request for exemption.

A manufacturer of consumer products that has been granted an innovative products exemption under the innovative products provisions in Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the CCR based on California-specific data, or that has not been granted an exemption by CARB may seek an innovative products exemption in accordance with the following criteria:

- (1) The Department may exempt a consumer product from the VOC limits specified in § 130.211 (relating to table of standards) if a manufacturer dem-

onstrates that, due to some characteristic of the product formulation, design, delivery systems or other factors, the use of the product will result in less VOC emissions than the standard established in § 130.211.

(2) A manufacturer shall apply in writing to the Department for an exemption claimed under this section. The application shall include the supporting documentation that demonstrates the emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant shall provide information necessary to enable the Department to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content.

(3) If the VOC limits specified in § 130.211 are lowered for a product category through a subsequent rulemaking, the innovative product exemptions granted for products in the product category, except as provided in this subsection, shall have no force and effect as of the effective date of the modified VOC standard. This paragraph does not apply to those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Department at least 60 days before the effective date of the limits.

(4) If the Department believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in paragraph (1), the Department may modify or revoke the exemption as necessary to assure that the product will meet these criteria.

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives); and 25 Pa. Code § 130.431 (relating to testing for compliance).

ADMINISTRATIVE REQUIREMENTS

§ 130.371. Product dating.

(a) *Product dating requirements.*

(1) Each manufacturer of a consumer product subject to §§ 130.211—130.217 (relating to standards) shall clearly display on each consumer product container or package, the day, month and year on which the product was manufactured, or a code indicating that date.

(2) A manufacturer who uses the following code to indicate the date of manufacture will not be subject to the requirements of subsection (b)(1), if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day

where,

YY = two digits representing the year in which the product was manufactured

DDD = three digits representing the day of the year on which the product was manufactured, with “001” representing the first day of the year, “002” representing the second day of the year, and so forth (that is, the “Julian date”).

(3) The product date or date-code required by this section must be displayed on each consumer product container or package before the consumer product is sold, supplied or offered for sale in this Commonwealth.

(4) The date or date-code information must be located on the container or inside the cover/cap so that it is readily observable or obtainable (by simply removing the cap/cover) without irreversibly disassembling a part of the container or packaging.

(5) For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(6) The requirements of this subsection do not apply to products containing either of the following:

- (i) No VOCs.
- (ii) VOCs at 0.10% by weight or less.

(b) *Additional product dating requirements.*

(1) If a manufacturer uses a code indicating the date of manufacture for a consumer product subject to §§ 130.211—130.217, an explanation of the date portion of the code must be filed with the Department before the consumer product is sold, supplied or offered for sale in this Commonwealth.

(2) If a manufacturer changes a code indicating the date of manufacture for a consumer product subject to paragraph (1), an explanation of the modified code must be submitted to the Department before products displaying the modified code are sold, supplied or offered for sale in this Commonwealth.

(3) A person may not erase, alter, deface or otherwise remove or make illegible a date or code indicating the date of manufacture from a regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture are public information and may not be claimed as confidential.

Authority

The provisions of this § 130.371 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.371 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291992) to (291993).

Cross References

This section cited in 25 Pa. Code § 130.217 (relating to sell-through of products); 25 Pa. Code § 130.334 (relating to products registered under FIFRA); and 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesives).

§ 130.372. Most restrictive limit.

(a) *Products manufactured before January 1, 2009, and FIFRA-registered insecticides manufactured before January 1, 2010.*

(1) Notwithstanding the definition of “product category” in § 130.202 (relating to definitions), if on the principal display panel of a consumer product manufactured before January 1, 2009, or a FIFRA-registered insecticide manufactured before January 1, 2010, a representation is made that the product may be used, or is suitable for use, as a consumer product for which a lower VOC limit is specified in § 130.211 (relating to table of standards), the lowest VOC limit applies.

(2) The requirement of paragraph (1) does not apply to general purpose cleaners, antiperspirant/deodorant products or insecticide foggers.

(b) *Products manufactured on or after January 1, 2009, and FIFRA-registered insecticides manufactured on or after January 1, 2010.*

(1) Notwithstanding the definition of “product category” in § 130.202, if on the container or packaging of a consumer product manufactured on or after January 1, 2009, or a FIFRA-registered insecticide manufactured on or after January 1, 2010, or on a sticker or label affixed to the container or packaging, a representation is made that the product may be used, or is suitable for use, as a consumer product for which a lower VOC limit is specified in § 130.211, the lowest VOC limit applies.

(2) The requirement of paragraph (1) does not apply to general purpose cleaners, antiperspirant/deodorant products or insecticide foggers.

Authority

The provisions of this § 130.372 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.372 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291993).

Cross References

This section cited in 25 Pa. Code § 130.102 (relating to definitions); and 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesives).

§ 130.373. Additional labeling requirements for aerosol adhesive, adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products.

(a) In addition to the requirements specified in §§ 130.371, 130.372, 130.391 and 130.392, both the manufacturer and responsible party for each aerosol adhe-

sive, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive product subject to this subchapter shall ensure that all products clearly display the following information on each product container which is manufactured on or after the applicable effective date for the category specified in § 130.211 (relating to table of standards):

(1) The product category as specified in § 130.211 or an abbreviation of the category shall be displayed.

(2) The applicable VOC standard for the product that is specified in § 130.211, except for energized electrical cleaner products, expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Department, as provided in §§ 130.451—130.465 (relating to ACP for consumer products).

(3) If the product is included in an alternative control plan approved by the Department, and the product exceeds the applicable VOC standard specified in § 130.211, the product shall be labeled with the term “ACP” or “ACP product.”

(4) If the product is classified as a special purpose spray adhesive, the applicable substrate or application or an abbreviation of the substrate or application that qualifies the product as special purpose shall be displayed.

(5) If the manufacturer or responsible party uses an abbreviation as allowed by this section, an explanation of the abbreviation shall be filed with the Department before the abbreviation is used.

(b) The information required in § 130.371(a) (relating to product dating requirements) shall be displayed on the product container so that it is readily observable without removing or disassembling a portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing product packaging.

Authority

The provisions of this § 130.373 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.373 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291993) to (291994).

Cross References

This section cited in 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives).

REPORTING REQUIREMENTS

§ 130.391. Required reporting of information to the Department.

Upon 90 days written notice, the Department may require a responsible party to report information for a consumer product the Department may specify.

Cross References

This section cited in 25 Pa. Code § 130.102 (relating to definitions); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesives); and 25 Pa. Code § 130.392 (relating to confidentiality).

§ 130.392. Confidentiality.

The information submitted by a responsible party under § 130.391 (relating to required reporting of information to the Department) or in accordance with other provisions in this subchapter will be handled in accordance with the procedures specified in section 13.2 of the Air Pollution Control Act (35 P. S. § 4013.2).

Cross References

This section cited in 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products).

VARIANCES**§ 130.411. Application for variance.**

(a) A person who cannot comply with §§ 130.211—130.217 (relating to standards), because of extraordinary reasons beyond the person's control, may apply in writing to the Department for a variance. The variance application must set forth:

- (1) The specific grounds upon which the variance is sought.
- (2) The proposed dates by which compliance with § 130.211 (relating to table of standards) will be achieved.
- (3) A compliance report reasonably detailing the methods by which compliance will be achieved.

(b) No later than 75 days after receipt of a complete variance application containing the information required in subsection (a), the Department will hold a public hearing in accordance with § 130.471 (relating to public hearings) to determine:

- (1) Whether a variance from the requirements in §§ 130.211—130.217 is necessary.
- (2) Under what conditions a variance from the requirements in §§ 130.211—130.217 is necessary.
- (3) To what extent a variance from the requirements in §§ 130.211—130.217 is necessary.

(c) The Department will not grant a variance unless the applicant demonstrates in writing the following to the Department's satisfaction:

- (1) That because of reasons beyond the reasonable control of the applicant, requiring compliance with §§ 130.211—130.217 would result in extraordinary economic hardship.

(2) That the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.

(3) That the compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

Authority

The provisions of this § 130.411 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.411 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291994) to (291995).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives).

§ 130.412. Variance orders.

A variance order will specify a final compliance date by which the requirements of §§ 130.211—130.217 (relating to standards) will be achieved. A variance order will contain a condition that specifies increments of progress necessary to assure timely compliance, and other conditions that the Department, in consideration of the testimony received at the hearing, finds necessary.

Authority

The provisions of this § 130.412 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.412 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291995).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives).

§ 130.413. Termination of variance.

A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives).

§ 130.414. Modification of variance.

Upon the application of a person, the Department may review, and for good cause, modify or revoke a variance from requirements of §§ 130.211—130.217

(relating to standards) after holding a public hearing in accordance with § 130.471 (relating to public hearings).

Authority

The provisions of this § 130.414 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.414 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291996).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.215 (relating to requirements for aerosol adhesives).

TEST METHODS

§ 130.431. Testing for compliance.

(a) Testing to determine compliance with this subchapter shall be performed by one of the following:

(1) Using CARB Method 310, “*Determination of Volatile Organic Compounds (VOC) in Consumer Products*,” adopted September 25, 1997, and as last amended on May 5, 2005, including subsequent amendments.

(2) Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon written approval of the Department.

(3) Calculation of the VOC content from records of the amounts of constituents used to make the product under the following criteria:

(i) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records shall be kept for at least 3 years and be made available to the Department on request.

(ii) For the purposes of this section, the VOC content (expressed as a percentage) shall be calculated according to the following equation:

$$\text{VOC content} = \frac{(B - C)}{A} \times 100$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs per unit

C = total weight of VOCs exempted under §§ 130.331—130.338, 130.351 and 130.352 per unit

(iii) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 shall take precedence

over the product records and may be used to establish a violation of the requirements of this section.

(b) Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (2000)e1, including subsequent amendments.

(c) Testing to determine compliance with the certification requirements for charcoal lighter material products shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), including subsequent amendments.

(d) Testing to determine distillation points of petroleum distillate-based charcoal lighter material products shall be performed using ASTM D86-04b, including subsequent amendments.

(e) A person may not create, alter, falsify or otherwise modify records so that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and other tests, processes or records used in connection with product manufacture.

Authority

The provisions of this § 130.431 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.431 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291996) to (291997).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions).

ACP FOR CONSUMER PRODUCTS

§ 130.451. Alternative methods of compliance.

The purpose of this section is to provide an alternative method to comply with the Table of Standards specified in § 130.211 (relating to table of standards). This alternative is provided by allowing responsible ACP parties the option of voluntarily entering into separate alternative control plans for consumer products, as specified in this subchapter. Only responsible ACP parties for consumer products may enter into an ACP.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.452. Exemption.

A manufacturer of consumer products which has been granted an ACP agreement by the CARB under the ACP provision in Subchapter 8.5, Article 4, Sec-

tions 94540-94555, of Title 17 of the CCR shall be exempt from § 130.211 (relating to table of standards) for the period of time that the CARB ACP agreement remains in effect provided that all ACP products within the CARB ACP agreement are contained in § 130.211. A manufacturer claiming such an ACP agreement on this basis shall submit to the Department a copy of the CARB ACP decision (that is, the Executive Order), including the conditions established by CARB applicable to the exemption.

Authority

The provisions of this § 130.452 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.452 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291997) to (291998).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.453. Request for exemption.

(a) Manufacturers of consumer products that have been granted an ACP agreement by the CARB under the ACP provision in Subchapter 8.5, Article 4, sections 94540—94555, of Title 17 of the CCR based on California specific data, or that have not been granted an exemption by the CARB may seek an ACP agreement with the Department.

(b) The Department will not approve an ACP submitted by a responsible ACP party if the Department determines, upon review of the responsible ACP party's compliance history with past or current ACPs or the requirements for consumer products in this subchapter, that the responsible ACP party has a recurring pattern of violations and has consistently refused to take the necessary steps to correct those violations.

Authority

The provisions of this § 130.453 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.453 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (291998).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.454. Application for an ACP.

A manufacturer of consumer products that has been granted an ACP agreement by the CARB under the ACP provision in Subchapter 8.5, Article 4, sections 94540—94555, of Title 17 of the CCR based on California specific data, or that has not been granted an exemption by the CARB may seek an ACP agreement by submitting an application. The application must:

- (1) Identify the responsible ACP party including names, telephone numbers and addresses of the representative of the manufacturer who will be responsible for implementing the ACP requirements specified in the ACP agreement.
- (2) Contain a statement of whether the responsible ACP party is a small business or a one-product business.
- (3) Contain a listing of the exact product brand name, form, available variations (flavors, scents, colors, sizes, and the like), and applicable product category for each distinct ACP product that is proposed for inclusion in the ACP.
- (4) Demonstrate in writing to the satisfaction of the Department that the enforceable sales records to be used by the responsible ACP party for tracking product sales provide the following information:
 - (i) The names, telephone numbers, street and mail addresses of all persons and businesses who will provide information that will be used to determine the enforceable sales.
 - (ii) The enforceable sales of each ACP product.
 - (iii) A written demonstration to the satisfaction of the Department regarding the validity of the enforceable sales.
 - (iv) The percentage of the gross Pennsylvania sales which is comprised of enforceable sales.
 - (v) That the ACP products have enforceable sales that are 75% or more of the gross Pennsylvania sales. Only ACP products meeting this criteria will be allowed to be sold in this Commonwealth under an ACP.
- (5) Include legible copies of the existing labels for each ACP product specifying the VOC and LVP content.
- (6) Report for each of the ACP products:
 - (i) The VOC and LVP-VOC contents of the product at the time the application for an ACP is submitted.
 - (ii) Changes in VOC and LVP contents of the product that have occurred within the 4 years prior to the date of submittal of the application for an ACP, if either the VOC or LVP contents have varied by more than 10.0% of the VOC or LVP contents reported in subparagraph (i).
- (7) Contain a written commitment obligating the responsible ACP party to date-code every unit of each ACP product approved for inclusion in the ACP

and to display the date-code on each ACP product container or package no later than 5 working days after the date an ACP agreement is signed by the Department.

(8) Contain an operational plan covering the products identified under this section for each compliance period that the ACP will be in effect. This plan must:

(i) Identify the compliance periods and dates for the responsible ACP party to report the information required by the Department in the ACP agreement. The length of the compliance period chosen by the responsible ACP party may be no longer than 365 days.

(ii) Identify the specific enforceable sales records to be provided to the Department for enforcing this chapter and the ACP agreement. The enforceable sales records shall be provided to the Department no later than the compliance period reporting dates specified in subparagraph (i).

(iii) For a small business or a one-product business that will be relying on surplus trading to meet the ACP limits, contain a written commitment from the responsible ACP parties that they will transfer the surplus reductions to the small business or one-product business upon approval of the ACP.

(iv) Specify the VOC content levels for each ACP product that will be applicable for the ACP product during each compliance period and identify the specific methods by which the VOC content will be determined and the statistical accuracy and precision (repeatability and reproducibility) calculated for each specified method.

(v) Estimate the projected enforceable sales for each ACP product at each different VOC content for every compliance period that the ACP will be in effect.

(vi) Contain a detailed demonstration showing the combination of specific ACP reformulations or surplus trading reductions (if applicable) that is sufficient to ensure that the ACP emissions will not exceed the ACP limit for each compliance period that the ACP will be in effect, the approximate date within each compliance period that reformulations or surplus trading reductions are expected to occur, and the extent to which the VOC contents of the ACP products will be reduced (that is, by ACP reformulation). This demonstration must also include all VOC content levels and projected enforceable sales for all ACP products to be sold in this Commonwealth during each compliance period.

(vii) Contain a written explanation of the date-codes that will be displayed on each ACP product container or packaging.

(viii) Contain a statement of the approximate dates by which the responsible ACP party plans to meet the applicable ACP VOC standards for each product in the ACP.

(ix) Contain an operational plan (“reconciliation of shortfalls plan”) which commits the responsible ACP party to completely reconcile shortfalls, even, to the extent permitted by law, if the responsible ACP party files for bankruptcy protection. The plan for reconciliation of shortfalls must demonstrate how shortfalls will be reconciled within 90 working days from the date the shortfall is determined, listing the records and other information that will be used to verify that the shortfalls were reconciled.

(9) Contain a declaration, signed by a legal representative for the responsible ACP party, that states that all information and operational plans submitted with the ACP application are true and correct under penalty of law. This declaration must certify that all reductions in the VOC content of a product will be real and actual reductions that do not result from changing product names, mischaracterizing ACP product reformulations that have occurred in the past, or any other attempts to circumvent this chapter.

Authority

The provisions of this § 130.454 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.454 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (291998) to (292000).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.461 (relating to other modifications); 25 Pa. Code § 130.462 (relating to modification of an ACP by the Department); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.455. Recordkeeping and availability of requested information.

(a) Information specified in the ACP agreement shall be maintained by the responsible ACP party for at least 3 years after the records are generated. The records must be clearly legible and maintained in good condition during this period.

(b) The records specified in this section shall be made available to the Department:

- (1) Immediately upon request during an onsite visit to a responsible ACP party.
- (2) Within 15 working days after receipt of a written request from the Department.
- (3) Within a time period mutually agreed upon by both the Department and the responsible ACP party.

Authority

The provisions of this § 130.455 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.455 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (292001).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.456. Surplus reductions and surplus trading.

(a) The Department will issue surplus reduction certificates which establish and quantify, to the nearest pound of VOC reduced, surplus reductions achieved by a responsible ACP party operating under an ACP. The surplus reductions can be bought from, sold to or transferred to a responsible ACP party operating under an ACP, as provided in this section. Surplus reductions will be calculated by the Department at the end of each compliance period within the time specified in the approved ACP. Surplus reduction certificates do not constitute instruments, securities or other form of property.

(b) The issuance, use and trading of all surplus reductions shall be subject to the following provisions:

(1) For the purposes of this section, VOC reductions from sources of VOCs other than consumer products subject to the VOC standards specified in § 130.211 (relating to table of standards) may not be used to generate surplus reductions.

(2) Surplus reductions are valid only when generated by a responsible ACP party, and only while that responsible ACP party is operating under an approved ACP.

(3) Surplus reductions are valid only after the Department has issued an ACP agreement under this section.

(4) Surplus reductions issued by the Department may be used by the responsible ACP party who generated the surplus until the reductions expire or are traded or until the ACP is canceled under this section.

(5) Surplus reductions cannot be applied retroactively to a compliance period prior to the compliance period in which the reductions were generated.

(6) Except as provided in this section, only small or one-product businesses selling products under an approved ACP may purchase surplus reductions. An increase in the size of a small business or one-product business shall have no effect on surplus reductions purchased by that business prior to the date of the increase.

(7) While valid, surplus reductions can be used only for one of the following purposes:

(i) To adjust the ACP emissions of either the responsible ACP party who generated the reductions or the responsible ACP party to which the reductions were traded, provided the surplus reductions are not to be used by a responsible ACP party to further lower its ACP emissions when its ACP emissions are equal to or less than the ACP limit during the applicable compliance period.

(ii) To be traded for the purpose of reconciling another responsible ACP party's shortfalls, provided the reconciliation is part of the reconciliation of shortfalls plan approved by the Department under this section.

(8) A valid surplus reduction shall be in effect starting 5 days after the date of issuance by the Department, for a continuous period equal to the number of days in the compliance period during which the surplus reduction was generated. The surplus reduction shall then expire at the end of its effective period.

(9) At least 5 working days prior to the effective date of transfer of surplus reductions, both the responsible ACP party which is selling surplus reductions and the responsible ACP party which is buying the surplus reductions shall, either together or separately, notify the Department in writing of the transfer. The notification shall include the following:

(i) The date the transfer is to become effective.

(ii) The date the surplus reductions being traded are due to expire.

(iii) The amount (in pounds of VOCs) of surplus reductions that are being transferred.

(iv) The total purchase price paid by the buyer for the surplus reductions.

(v) The contact persons, names of the companies, street and mail addresses and phone numbers of the responsible ACP parties involved in the trading of the surplus reductions.

(vi) A copy of the Department-issued surplus reductions certificate, signed by both the seller and buyer of the certificate, showing transfer of all or a specified portion of the surplus reductions. The copy shall show the amount of remaining nontraded surplus reductions, if applicable, and shall show their expiration date. The copy shall indicate that both the buyer and seller of the surplus reductions fully understand the conditions and limitations placed upon the transfer of the surplus reductions and accept full responsibility for the appropriate use of the surplus reductions as provided in this section.

(10) Surplus reduction credits shall only be traded between ACPs for consumer products.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.457. Limited-use surplus reduction credits for early reformulations of ACP products.

(a) For the purposes of this section, “early reformulation” means an ACP product which is reformulated to result in a reduction in the product’s VOC content, and which is sold, supplied or offered for sale in this Commonwealth for the first time during the 1 year (365-day) period immediately prior to the date on which the application for a proposed ACP is submitted to the Department. “Early reformulation” does not include reformulated ACP products which are sold, supplied or offered for sale in this Commonwealth more than 1 year prior to the date on which the ACP application is submitted to the Department.

(b) If requested in the application for a proposed ACP, the Department will, upon approval of the ACP, issue surplus reduction credits for early reformulations of ACP products, provided that the following documentation has been provided by the responsible ACP party to the satisfaction of the Department:

(1) Accurate documentation showing that the early reformulation reduced the VOC content of the ACP product to a level which is below the pre-ACP VOC content of the product, or below the applicable VOC standards in § 130.211 (relating to table of standards), whichever is the lesser of the two.

(2) Accurate documentation demonstrating that the early reformulated ACP product was sold in retail outlets in this Commonwealth within the time period specified in this section.

(3) Accurate sales records for the early reformulated ACP product which meets the definition of “enforceable sales records” in § 130.202 (relating to definitions), and which demonstrate that the enforceable sales for the ACP product are at least 75% of the gross Pennsylvania sales for the product.

(4) Accurate documentation for the early reformulated ACP product which meets the requirements specified in this section, and which identifies the specific test methods for verifying the claimed early reformulation and the statistical accuracy and precision of the test methods as specified in this section.

(c) Surplus reduction credits issued under this section shall be calculated separately for each early reformulated ACP product by the Department according to the following equation:

$$SR = \frac{\text{Enforceable sales} \times ((\text{VOC content})_{\text{initial}} - (\text{VOC content})_{\text{final}})}{100}$$

where,

SR = surplus reductions for the ACP product, expressed to the nearest pound

VOC content_{initial} = the Pre-ACP VOC content of the ACP product, or the applicable VOC standard specified in § 130.211, whichever is the lesser of the two, expressed to the nearest 0.1 pound of VOC per 100 pounds of ACP product.

VOC content_{final} = the VOC content of the early reformulated ACP product after the early reformulation is achieved, expressed to the nearest 0.1 pound of VOC per 100 pounds of ACP product.

(d) The use of surplus reduction credits issued under this section shall be subject to the following:

(1) Surplus reduction credits shall be used solely to reconcile the responsible ACP party's shortfalls generated during the first compliance period occurring immediately after the issuance of the ACP agreement, and may not be used for another purpose.

(2) Surplus reduction credits may not be transferred to, or used by, another responsible ACP party.

(3) Except as provided in this section, surplus reduction credits shall be subject to the requirements applicable to surplus reductions and surplus trading, as specified in this section.

Authority

The provisions of this § 130.457 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.457 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (292003) to (292004).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.458. Reconciliation of shortfalls.

(a) At the end of each compliance period, the responsible ACP party shall make an initial calculation of shortfalls occurring in that compliance period, as specified in the ACP agreement. Upon receipt of this information, the Department will determine the amount of a shortfall that has occurred during the compliance period, and notify the responsible ACP party of this determination.

(b) The responsible ACP party shall implement the reconciliation of shortfalls plan as specified in the ACP agreement, within 30 working days from the date of written notification of a shortfall by the Department.

(c) Shortfalls shall be completely reconciled within 90 working days from the date of written notification of a shortfall by the Department, by implementing the reconciliation of shortfalls plan specified in the ACP agreement.

(d) The requirements specified in the ACP agreement, including the applicable ACP limits, shall remain in effect while shortfalls are in the process of being reconciled.

Authority

The provisions of this § 130.458 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.458 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (292004) to (292005).

Cross References

This section cited in 25 Pa. Code § 130.202 (relating to definitions); 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.459. Notification of modifications to an ACP by the responsible ACP party.

(a) *Modifications that do not require Department preapproval.* The responsible ACP party shall notify the Department, in writing, of a change in the following with respect to an ACP product:

- (1) Product name.
- (2) Product formulation.
- (3) Product form.
- (4) Product function.
- (5) Applicable product category.
- (6) VOC content.
- (7) LVP content.
- (8) Date-codes.
- (9) Recommended product usage directions.

(b) *Notification.* The notification shall be submitted no later than 15 working days from the date the change occurs. For each modification, the notification shall fully explain the following:

- (1) The nature of the modification.
- (2) The extent to which the ACP product formulation, VOC content, LVP content or recommended usage directions will be changed.
- (3) The extent to which the ACP emissions and ACP limit specified in the ACP agreement will be changed for the applicable compliance period.
- (4) The effective date and corresponding date-codes for the modification.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.460. Modifications that require Department preapproval.

The responsible ACP party may propose modifications to the enforceable sales records or reconciliation of shortfalls plan specified in the ACP agreement. Proposed modifications shall be fully described in writing and forwarded to the Department. The responsible ACP party shall clearly demonstrate that the proposed modifications will meet the requirements of this subchapter. The responsible ACP party shall meet all applicable requirements of the existing ACP until a proposed modification is approved in writing by the Department.

Authority

The provisions of this § 130.460 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.460 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (292006).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.461. Other modifications.

The responsible ACP party shall notify the Department, in writing, of information that the responsible ACP party may have which may alter the information submitted under § 130.454 (relating to application for an ACP). The responsible ACP party shall provide the notification to the Department no later than 15 working days from the date the information is known to the responsible ACP party.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.462. Modification of an ACP by the Department.

(a) The Department will modify the ACP as necessary to ensure that the ACP meets the requirements of this subchapter and that the ACP emissions will not exceed the ACP limit if the Department determines one of the following:

- (1) The enforceable sales for an ACP product are no longer at least 75% of the gross Pennsylvania sales for that product.
 - (2) The information submitted under the approval process in § 130.454 (relating to application for an ACP) is no longer valid.
 - (3) The ACP emissions are exceeding the ACP limit specified in the ACP agreement.
- (b) The Department will not modify the ACP without first affording the responsible ACP party an opportunity for a public hearing in accordance with § 130.471 (relating to public hearings) to determine if the ACP should be modified.
- (c) If an applicable VOC standard specified in § 130.211 (relating to table of standards) is modified by CARB in a future rulemaking, the Department will modify the ACP limit specified in the ACP agreement to reflect the modified ACP VOC standards as of its effective date.

Authority

The provisions of this § 130.462 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.462 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (292006) and (300745).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products); and 25 Pa. Code § 130.464 (relating to treatment of information).

§ 130.463. Cancellation of an ACP.

An ACP shall remain in effect until:

- (1) The ACP reaches the expiration date specified in the ACP agreement.
- (2) The ACP is modified by the responsible ACP party and approved by the Department.
- (3) The ACP is modified by the Department.
- (4) The ACP includes a product for which the VOC standard specified in § 130.211 (relating to table of standards) is modified by the Department in a future rulemaking, and the responsible ACP party informs the Department in writing that the ACP will terminate on the effective date of the modified standard.
- (5) The ACP is cancelled by the Department.

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products).

§ 130.464. Treatment of information.

The information required by this section, §§ 130.451—130.463 and 130.465 related to product formulation shall be protected as confidential business information upon written request to the Department by the responsible ACP party. Other information submitted to the Department to meet the requirements of this subchapter will be handled in accordance with section 13.2 of the Air Pollution Control Act (35 P. S. § 4013.2).

Cross References

This section cited in 25 Pa. Code § 130.211 (relating to table of standards); and 25 Pa. Code § 130.373 (relating to additional labeling requirements for aerosol adhesive; adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products).

§ 130.465. Other applicable requirements.

A responsible ACP party may transfer an ACP to another responsible ACP party, provided that the following conditions are met:

- (1) The Department shall be notified, in writing, by both responsible ACP parties participating in the transfer of the ACP and its associated ACP agreement. The written notifications must be postmarked at least 5 working days prior to the effective date of the transfer and shall be signed and submitted separately by both responsible parties. The written notifications shall clearly identify the contact persons, business names, mail and street addresses, and phone numbers of the responsible parties involved in the transfer.
- (2) The responsible ACP party to which the ACP is being transferred shall provide a written declaration stating that the transferee shall fully comply with the requirements of the ACP agreement and this subchapter.

Authority

The provisions of this § 130.465 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.465 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (300745) to (300746).

Cross References

This section cited in 25 Pa. Code § 130.464 (relating to treatment of information).

PUBLIC HEARING REQUIREMENTS**§ 130.471. Public hearings.**

(a) Prior to issuance, extension, modification or revocation of a variance order or an ACP, the Department will hold three public hearings to take public comment on the application for a variance or on the proposed extension, modification or revocation of a variance order. The public hearings will be held in the eastern, central and western parts of this Commonwealth.

(b) The applicant shall publish notice of the time, place and purpose of the three public hearings in newspapers of general circulation at least 30 days prior to the hearings.

(c) The Department will publish notice of the time, place and purpose of the three public hearings in the *Pennsylvania Bulletin* at least 30 days prior to the hearings.

(d) At least 30 days prior to the hearings, the Department will make available to the public the following:

(1) The application for the variance or ACP or, if the hearings are for an extension, modification or revocation, the variance or ACP order.

(2) The proposed order for issuing, extending, modifying or revoking the variance or ACP.

Authority

The provisions of this § 130.471 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.471 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial page (300746).

Cross References

This section cited in 25 Pa. Code § 130.411 (relating to application for variance); 25 Pa. Code § 130.414 (relating to modification of variance); and 25 Pa. Code § 130.462 (relating to modification of an ACP by the Department).

Subchapter C. ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Sec.

- 130.601. Applicability.
- 130.602. Definitions.
- 130.603. Standards.
- 130.604. Container labeling requirements.
- 130.605. Reporting requirements.
- 130.606. Application for variance.
- 130.607. Variance orders.
- 130.608. Termination of variance.
- 130.609. Extension, modification or revocation of variance.
- 130.610. Public hearings.
- 130.611. Compliance provisions and test methods.

Authority

The provisions of this Subchapter C issued under section 5 of the Air Pollution Control Act (35 P. S. § 4005), unless otherwise noted.

Source

The provisions of this Subchapter C adopted October 24, 2003, effective October 25, 2003, 33 Pa.B. 5297; corrected November 15, 2003, effective October 25, 2003, 33 Pa.B. 5618, unless otherwise noted.

§ 130.601. Applicability.

This subchapter applies to a person who supplies, sells, offers for sale, manufactures, blends or repackages an architectural or industrial maintenance coating for use within this Commonwealth, as well as a person who applies or solicits the application of an architectural or industrial maintenance coating within this Commonwealth except for:

- (1) An architectural or industrial maintenance coating that is sold or manufactured for use outside of this Commonwealth or for shipment to other manufacturers for reformulation or repackaging.
- (2) An aerosol coating product.
- (3) An architectural or industrial maintenance coating that is sold in a container with a volume of 1 liter (1.057 quart) or less.

§ 130.602. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Adhesive—A chemical substance that is applied for the purposes of bonding two surfaces together other than by mechanical means.

Aerosol coating product—A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic marking applications.

Antenna coating—A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

Antifouling coating—A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating shall be registered with the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C.A. §§ 136—136y).

Appurtenance—An accessory to a stationary structure coated at the site of installation, whether installed or detached. The term includes:

- (i) Bathroom and kitchen fixtures.
- (ii) Cabinets.
- (iii) Concrete forms.
- (iv) Doors.
- (v) Elevators.
- (vi) Fences.
- (vii) Hand railings.

(viii) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.

- (ix) Lampposts.
- (x) Partitions.
- (xi) Pipes and piping systems.
- (xii) Rain gutters and downspouts.
- (xiii) Stairways.
- (xiv) Fixed ladders.
- (xv) Catwalks and fire escapes.
- (xvi) Window screens.

Architectural coating—A coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements or to curbs. Coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars and automobiles, and adhesives are not considered architectural coatings for the purposes of this subchapter.

Bitumens—Black or brown materials including asphalt, tar, pitch and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

Bituminous roof coating—A coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bituminous roof primer—A primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bond breaker—A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

Calcimine recoater—A flat solvent-borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

Clear brushing lacquers—

(i) Clear wood coatings formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid protective film, which are intended exclusively for application by brush and which are labeled as required in § 130.604(a)(5) (relating to container labeling requirements).

(ii) The term excludes clear lacquer sanding sealers.

Clear wood coatings—Clear and semitransparent coatings applied to wood substrates to provide a transparent or translucent film, including clear brushing lacquers, clear lacquer sanding sealers, sanding sealers other than clear lacquer sanding sealers and varnishes.

Coating—An architectural or industrial maintenance coating or a material applied onto or impregnated into a substrate for protective, decorative or functional purposes. The materials include paints, varnishes, sealers and stains.

Colorant—A concentrated pigment dispersion in water, solvent or binder that is added to an architectural coating after packaging in sales units to produce the desired color.

Concrete curing compound—A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

Concrete surface retarder—A mixture of retarding ingredients such as extender pigments, primary pigments, resin and solvent that interact chemically with cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

Conversion varnish—A clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Conversion varnish film formation is the result of an acid-catalyzed condensation reaction, effecting a transesterification at the reactive ethers of the amino resins.

Dry fog coating—A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Exempt compound—A compound identified as exempt under the definition of VOC in this section. Exempt compounds content of a coating shall be determined by EPA Reference Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91, incorporated by reference in § 130.611(e)(10) (relating to compliance provisions and test methods).

Faux finishing coating—A coating labeled and formulated as a stain or glaze to create artistic effects including dirt, old age, smoke damage and simulated marble and wood grain.

Fire-resistive coating—An opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency and approved by building code officials for use in bringing building and construction materials into compliance with Federal, State and local building code requirements. The fire-resistive testing agency must be approved by building code officials and test the coating in accordance with ASTM E 119-98, incorporated by reference in § 130.611(e)(2).

Fire-retardant coating—A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with Federal, State and local building code requirements.

(i) The fire-retardant coating and the testing agency shall be approved by building code officials.

(ii) The fire-retardant coating shall be tested in accordance with ASTM E 84-99, incorporated by reference in § 130.611(e)(1).

Flat coating—A coating that is not defined under any other definition in this subchapter and that registers gloss less than 15 on an 85° meter or less than 5 on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.611(e)(3).

Floor coating—An opaque coating that is labeled and formulated for application to flooring, including decks, porches, steps and other horizontal surfaces, which may be subjected to foot traffic.

Flow coating—A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Form-release compound—A coating labeled and formulated for application to a concrete form to prevent freshly poured concrete from bonding to the form. The form may consist of wood, metal or material other than concrete.

Graphic arts coating or sign paint—A coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including letter enamels, poster colors, copy blockers and bulletin enamels.

High-temperature coating—A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

Impacted immersion coating—A high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.

Industrial maintenance coating—A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions and labeled as specified in § 130.604(a)(4):

- (i) Immersion in water, wastewater or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation.
- (ii) Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions.
- (iii) Repeated exposure to temperatures above 121°C (250°F).
- (iv) Repeated (frequent) heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleansers or scouring agents.
- (v) Exterior exposure of metal structures and structural components.

Lacquer—A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film.

Low-solids coating—A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.

Magnesite cement coating—A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

Mastic texture coating—A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

Metallic pigmented coating—A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in § 130.611(e)(4).

Multicolor coating—A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.

Nonflat coating—A coating that is not defined under any other definition in this subchapter and that registers a gloss of 15 or greater on an 85° meter and 5 or greater on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.611(e)(3).

Nonflat high gloss coating—A nonflat coating that registers a gloss of 70 or above on a 60° meter according to ASTM D 523-89, incorporated by reference in § 130.611(e)(3).

Nonindustrial use—The use of architectural coatings except in the construction or maintenance of the following:

- (i) Facilities used in the manufacturing of goods or commodities.
- (ii) Transportation infrastructure, including highways, bridges, airports and railroads.
- (iii) Facilities used in mining activities, including petroleum extraction.
- (iv) Utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

Nuclear coating—A protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure as determined by ASTM Method D 4082-89, incorporated by reference in § 130.611(e)(14), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed as determined by ASTM Method D 3912-80, incorporated by reference in § 130.611(e)(15).

Postconsumer coating—

- (i) A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer.

(ii) The term does not include manufacturing wastes.

Pretreatment wash primer—A primer that contains a minimum of 0.5% acid, by weight, when tested in accordance with ASTM D 1613-96, incorporated by reference in § 130.611(e)(5), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

Primer—A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

Quick-dry enamel—A nonflat coating that is labeled as specified in § 130.604(a)(8) and that is formulated to have the following characteristics:

(i) Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16° and 27°C (60° and 80°F).

(ii) When tested in accordance with ASTM D 1640-95, incorporated by reference in § 130.611(e)(6), sets to touch in 2 hours or less, is tack-free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method.

(iii) Has a dried film gloss of 70 or above on a 60° meter according to ASTM D 523-89.

Quick-dry primer, sealer and undercoater—A primer, sealer or undercoater that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM D 1640-95, incorporated by reference in § 130.611(e)(6).

Recycled coating—An architectural coating formulated so that at least 50% of the total weight consists of secondary and postconsumer coating, with at least 10% of the total weight consisting of postconsumer coating.

Residence—An area in which people reside or lodge, including a single or multiple family dwelling, condominium, mobile home, apartment complex, motel or hotel.

Roof coating—A nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, will not be considered in this category, but will be considered to be in the metallic pigmented coatings category.

Rust-preventive coating—A coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in § 130.604(a)(6).

Sanding sealer—

(i) A clear wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent application of coatings.

(ii) The term does not include a sanding sealer that meets the definition of a lacquer.

Sealer—A coating labeled and formulated for application to a substrate to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

Secondary coating (rework)—

(i) A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value.

(ii) The term does not include excess virgin resources of the manufacturing process.

Shellac—A clear or opaque coating formulated solely with the resinous secretions of the Lac Beetle (lacifer lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

Shop application—The application of a coating to a product or a component of a product in or on the premises of a factory or shop as part of a manufacturing, production or repairing process, such as original equipment manufacturing coatings.

Solicit—To require for use or to specify, by written or oral contract.

Specialty primer, sealer and undercoater—A coating labeled as specified in § 130.604(a)(7) and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces; or to block stains or efflorescence. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D 4214-98, incorporated by reference in § 130.611(e)(7).

Stain—A clear, semitransparent or opaque coating labeled and formulated to change the color of a surface, but not to conceal the grain pattern or texture.

Swimming pool coating—A coating labeled and formulated to coat the interior of a swimming pool and to resist swimming pool chemicals.

Swimming pool repair and maintenance coating—A rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

Temperature-indicator safety coating—A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

Thermoplastic rubber coating and mastic—A coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40% by weight of thermoplastic rubbers in the total resin solids that may also contain other ingredients including fillers, pigments and modifying resins.

Tint base—An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

Traffic marking coating—A coating labeled and formulated for marking and striping streets, highways or other traffic surfaces including curbs, berms, driveways, parking lots, sidewalks and airport runways.

Undercoater—A coating labeled and formulated to provide a smooth surface for subsequent coatings.

VOC—volatile organic compound—An organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

VOC content—The weight of VOC per volume of coating, calculated according to the procedures specified in § 130.611(a).

Varnish—A clear wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnish may contain small amounts of pigment to color a surface or to control the final sheen or gloss of the finish.

Waterproofing concrete/masonry sealer—A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light and staining.

Waterproofing sealer—A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

Wood preservative—A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act.

Authority

The provisions of this § 130.602 amended under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

Source

The provisions of this § 130.602 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5598. Immediately preceding text appears at serial pages (300747) to (300750) and (301989) to (301993).

Cross References

This section cited in 25 Pa. Code § 130.603 (relating to standards); and 25 Pa. Code § 130.611 (relating to compliance provisions and test methods).

§ 130.603. Standards.

(a) *VOC content limits.* Except as provided in subsections (b), (c) and (g), a person after January 1, 2005, may not:

(1) Manufacture, blend or repackage for sale within this Commonwealth a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(2) Supply, sell or offer for sale within this Commonwealth a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(3) Solicit for application or apply within this Commonwealth, a coating subject to this subchapter with a VOC content in excess of the corresponding limit specified in Table 1.

(b) *Most restrictive VOC limit.* If on the container of an architectural or industrial maintenance coating, or a label or sticker affixed to the container, or in sales, advertising or technical literature supplied by a manufacturer or a person acting on their behalf, a representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table 1, then the most restrictive VOC content limit applies. This provision does not apply to the following coating categories:

- (1) Lacquer coatings (including lacquer sanding sealers).
- (2) Metallic pigmented coatings.
- (3) Shellacs.
- (4) Fire-retardant coatings.
- (5) Pretreatment wash primers.
- (6) Industrial maintenance coatings.
- (7) Low-solids coatings.
- (8) Wood preservatives.
- (9) High-temperature coatings.
- (10) Temperature-indicator safety coatings.
- (11) Antenna coatings.
- (12) Antifouling coatings.
- (13) Flow coatings.
- (14) Bituminous roof primers.
- (15) Specialty primers, sealers and undercoaters.
- (16) Calcimine recoaters.
- (17) Impacted immersion coatings.
- (18) Nuclear coatings.
- (19) Thermoplastic rubber coatings and mastic.

(c) *Sell-through of architectural or industrial maintenance coatings.* An architectural or industrial maintenance coating manufactured prior to January 1, 2005, may be sold, supplied, offered for sale or applied after January 1, 2005, so long as the architectural or industrial maintenance coating complied with the standards in effect at the time the coating was manufactured.

(d) *Thinning.* A person may not apply or solicit the application of an architectural and industrial maintenance coating that is thinned to exceed the applicable VOC limit specified in Table 1.

(e) *Rust-preventive coatings.* A person may not apply or solicit the application of a rust-preventive coating for industrial use, unless the rust-preventive coating complies with the industrial maintenance coating VOC limit specified in Table 1.

(f) *Coatings not listed in Table 1.* For an architectural or industrial maintenance coating that does not meet the definitions for the specialty coatings catego-

ries listed in Table 1, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss as defined in § 130.602 (relating to definitions), and the corresponding flat or nonflat coating limit applies.

(g) *Lacquers.* Notwithstanding the provisions of subsection (a), a person or facility may add up to 10% by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70% and temperature below 65°F, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

Table 1

VOC Content Limits for Architectural and Industrial Maintenance Coatings

The VOC content limits are effective on January 1, 2005, and are expressed in grams of VOC per liter¹ of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

<i>Coating Category</i>	<i>VOC Content Limit</i>
<i>Nonspecialty Coatings</i>	
Flat Coatings	100
Nonflat Coatings	150
Nonflat High Gloss Coatings	250
<i>Specialty Coatings</i>	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoaters	475
Clear Wood Coatings	
—Clear Brushing Lacquers	680
—Conversion Varnish	725
—Sanding Sealers (other than Lacquer Sanding Sealers)	350
—Varnishes	350

¹ Conversion factor: 1 pound VOC per gallon (U.S.) = 119.95 grams per liter.

<i>Coating Category</i>	<i>VOC Content Limit</i>
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
—Clear	650
—Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High-Temperature Coatings	420
Impacted Immersion Coatings	780
Industrial Maintenance Coatings	340
Lacquers (including Lacquer Sanding Sealers)	550
Low-Solids Coatings	120 ²
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Nuclear Coatings	450
Pretreatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust-Preventive Coatings	400
Shellacs	
—Clear	730
—Opaque	550
Specialty Primers, Sealers and Undercoaters	350
Stains	250

² Including water and exempt solvents

<i>Coating Category</i>	<i>VOC Content Limit</i>
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastic	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

Cross References

This section cited in 25 Pa. Code § 130.606 (relating to application for variance); 25 Pa. Code § 130.607 (relating to variance orders); 25 Pa. Code § 130.609 (relating to extension, modification or revocation of variance); and 25 Pa. Code § 130.611 (relating to compliance provisions and test methods).

§ 130.604. Container labeling requirements.

(a) Effective January 1, 2005, each manufacturer of architectural or industrial maintenance coatings subject to this subchapter shall display the information listed in paragraphs (1)—(9) on the coating container (or label) in which the coating is sold or distributed.

(1) *Date code.* The date the architectural or industrial maintenance coating was manufactured, or a date code representing the date, shall be indicated on the label, lid or bottom of the container. If the manufacturer uses a date code for a coating, the manufacturer shall file an explanation of each code with the Department by November 24, 2003, or the date on which the date code will first be used, whichever is later.

(2) *Thinning recommendations.* A statement of the manufacturer's recommendation regarding thinning of the architectural or industrial maintenance coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural or industrial maintenance coatings with water. If thinning of the coating prior to use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.

(3) *VOC content.* Each container of a coating subject to this subchapter shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test methods in § 130.611 (relating to compliance provisions and test methods). The equations in § 130.611(a)(1) and (2) shall be used to calculate VOC content.

(4) *Industrial maintenance coatings.* Each manufacturer of an industrial maintenance coating shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the following descriptions:

- (i) “For industrial use only.”
- (ii) “For professional use only.”
- (iii) “Not for residential use.”
- (iv) “Not intended for residential use.”

(5) *Clear brushing lacquers.* The labels of clear brushing lacquers shall prominently display the statements, “For brush application only,” and, “This product must not be thinned or sprayed.”

(6) *Rust-preventive coatings.* The labels of rust-preventive coatings shall prominently display the statement, “For Metal Substrates Only.”

(7) *Specialty primers, sealers and undercoaters.* The labels of specialty primers, sealers and undercoaters shall prominently display one or more of the following descriptions:

- (i) For blocking stains.
- (ii) For fire-damaged substrates.
- (iii) For smoke-damaged substrates.
- (iv) For water-damaged substrates.
- (v) For excessively chalky substrates.

(8) *Quick-dry enamel.* The labels of quick-dry enamels shall prominently display the words, “Quick Dry” and the dry-hard time.

(9) *Nonflat high gloss coatings.* The labels of nonflat high gloss coatings shall prominently display the words, “High Gloss.”

Cross Reference

This section cited in 25 Pa. Code § 130.602 (relating to definitions).

§ 130.605. Reporting requirements.

Upon request of the Department, each manufacturer of an architectural or industrial maintenance coating subject to this subchapter shall, on or before April 1 of each calendar year beginning in the year 2006, submit an annual report to the Department. The report shall specify the number of gallons of coating sold in this Commonwealth during the preceding calendar year and shall describe the method used by the manufacturer to calculate sales within this Commonwealth.

§ 130.606. Application for variance.

(a) A person who cannot comply with § 130.603(a) (relating to standards) may apply in writing to the Department for a variance. The variance application shall set forth:

- (1) The specific grounds upon which the variance is sought.
- (2) The proposed date by which compliance with § 130.603(a) will be achieved.

- (3) A compliance report detailing the methods by which compliance will be achieved.
- (b) No later than 90 days after receipt of a complete variance application containing the information required in this section, the Department will hold a public hearing in accordance with § 130.610 (relating to public hearings) to determine the following:
 - (1) Whether a variance from the requirements in § 130.603(a) is necessary.
 - (2) Under what conditions a variance from the requirements in § 130.603(a) is necessary.
 - (3) To what extent a variance from the requirements in § 130.603(a) is necessary.
- (c) The Department will not grant a variance unless the applicant demonstrates in writing the following to the Department's satisfaction that:
 - (1) It is technologically infeasible for the applicant to comply with the requirements of § 130.603(a).
 - (2) The public interest in issuing the variance would outweigh the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.
 - (3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

§ 130.607. Variance orders.

- (a) A variance order will specify a final compliance date by which the requirements of § 130.603 (relating to standards) must be achieved. A variance order will contain a condition that specifies increments of progress necessary to assure timely compliance and other conditions that the Department determines to be necessary, in consideration of the testimony received at the public hearing held in accordance with § 130.610 (relating to public hearings), written comments and other information available to the Department.
- (b) The Department will submit each variance order to the United States Environmental Protection Agency for approval as a State Implementation Plan revision.

§ 130.608. Termination of variance.

A variance will cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

§ 130.609. Extension, modification or revocation of variance.

The Department may, for good cause, including air quality considerations, extend, modify or revoke a variance from the requirements of § 130.603(a) (relating to standards) after holding a public hearing in accordance with § 130.610 (relating to public hearings).

§ 130.610. Public hearings.

(a) Prior to issuance, extension, modification or revocation of a variance order, the Department will hold a public hearing to take public comment on the application for a variance or on the proposed extension, modification or revocation of a variance order.

(b) The Department will publish notice of the time, place and purpose of the hearing in newspapers of general circulation and in the *Pennsylvania Bulletin* not less than 30 days prior to the hearing.

(c) Not less than 30 days prior to the hearing, the Department will make available to the public the following:

- (1) The application for the variance or, if the hearing is for an extension, modification or revocation, the variance order.
- (2) The proposed order for issuing, extending, modifying or revoking the variance.

Cross References

This section cited in 25 Pa. Code § 130.606 (relating to application for variance); 25 Pa. Code § 130.607 (relating to variance orders); and 25 Pa. Code § 130.609 (relating to extension, modification or revocation of variance).

§ 130.611. Compliance provisions and test methods.

(a) *Calculation of VOC content.* For the purpose of determining compliance with the VOC content limits in § 130.603 Table 1 (relating to VOC content limits for architectural and industrial maintenance coatings), the VOC content of a coating shall be determined by using the procedures described in this subsection or subsection (b), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

- (1) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of water and exempt compounds. Determine the VOC content using Equation 1 as follows:

Equation 1:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Content = grams of VOC per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

V_w = volume of water, in liters

V_{ec} = volume of exempt compounds, in liters

(2) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using Equation 2 as follows: Equation 2:

$$\text{VOC Content (ls)} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Content (ls) = the VOC content of a low solids coating in grams of VOC per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

(b) *VOC content of coatings.* To determine the physical properties of a coating to perform the calculations in subsection (a), the reference method for VOC content is EPA Reference Method 24, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91, incorporated by reference in this section. The exempt compounds content shall be determined by SCAQMD Method 303-91, incorporated by reference in subsection (e). To determine the VOC content of a coating, the manufacturer may use EPA Reference Method 24, or an alternative method, as provided in subsection (c), formulation data, or another reasonable means for predicting that the coating has been formulated as intended—for example, quality assurance checks and recordkeeping. If there are inconsistencies between the results of a Reference Method 24 test and another means for determining VOC content, the Reference Method 24 results will govern, except when an alternative method is approved as specified in subsection (c). The Department may require the manufacturer to conduct a Reference Method 24 analysis.

(c) *Alternative test methods.* Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) may be used if approved in writing by the Department and the EPA.

(d) *Methacrylate traffic coating markings.* Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Reference Method 24 (found at 40 CFR 59, Subpart D, Appendix A), incorporated by reference in subsection (e)(13). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

(e) *Test methods.* The following test methods are incorporated herein by reference and the most up-to-date version of the test method shall be used to test coatings subject to this subchapter:

(1) *Flame spread index.* The flame spread index of a fire-retardant coating shall be determined by ASTM E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials."

(2) *Fire-resistance rating.* The fire-resistance rating of a fire-resistive coating shall be determined by ASTM E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials."

(3) *Gloss determination.* The gloss of a coating shall be determined by ASTM D 523-89, "Standard Test Method for Specular Gloss."

(4) *Metal content of coatings.* The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples."

(5) *Acid content of coatings.* The acid content of a coating shall be determined by ASTM D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products."

(6) *Drying times.* The set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM D 1640-95, "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," (see § 130.602 (relating to definitions) for definitions of "quick-dry enamel" and "quick-dry primer, sealer and undercoater"). The tack-free time of a quick-dry enamel coating shall be determined by the mechanical test method of ASTM D 1640-95.

(7) *Surface chalkiness.* The chalkiness of a surface shall be determined using ASTM D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films."

(8) *Exempt compounds—siloxanes.* Exempt compounds that are cyclic, branched or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with this section by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," Bay Area Air Quality Management District (BAAQMD) Manual of Procedures, Volume III.

(9) *Exempt compounds—parachlorobenzotrifluoride (PCBTF).* The exempt compound parachlorobenzotrifluoride shall be analyzed as an exempt compound for compliance with this section by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," found in BAAQMD Manual of Procedures, Volume III.

(10) *Exempt compounds.* The content of compounds exempt under EPA Method 24 shall be analyzed by SCAQMD Method 303-91, "Determination of Exempt Compounds," found in SCAQMD "Laboratory Methods of Analysis for Enforcement Samples."

(11) *VOC content of coatings.* The VOC content of a coating shall be analyzed by EPA Method 24 found in “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings.”

(12) *Alternative VOC content of coatings.* The VOC content of coatings may be analyzed by either EPA Reference Method 24 or SCAQMD Method 304-91, “Determination of Volatile Organic Compounds (VOC) in Various Materials,” found in “SCAQMD Laboratory Methods of Analysis for Enforcement Samples.”

(13) *Methacrylate traffic marking coatings.* The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings.”

(14) *Radiation resistance.* The radiation resistance of a nuclear coating shall be determined by ASTM Method D 4082-89, “Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants.”

(15) *Chemical resistance.* The chemical resistance of nuclear coatings shall be determined by ASTM Method D 3912-80, “Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants.”

Cross Reference

This section cited in 25 Pa. Code § 130.602 (relating to definitions); and 25 Pa. Code § 130.604 (relating to container labeling requirements).

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